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CIVIL SERVICE COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

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MEMORANDUM

CSC NO. 94-5

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ALBERT C. WALKER
EXECUTIVE OFFICER

DATE : April 20, 1994

TO : Appointing Officers
Personnel Officers
Employee Organization Representatives

From : Albert C. Walker
Executive Officer

SUBJECT: PROPOSED AMENDMENTS TO CIVIL SERVICE COMMISSION RULE 21 - RULES
RELATED TO THE EMPLOYER-EMPLOYEE RELATIONS ORDINANCE.

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At its meeting of April 4, 1994, the Civil Service Commission posted proposed amendments to Civil Service Commission Rule 21 - Rules Related to Employer-Employee Relations Ordinance. These changes to Rule 21 are in implementation of Proposition "L" (November 1993 Ballot). A copy of the proposed amendments is attached.

The Board of Supervisors voted on February 28, 1994 to amend Section 16.200 through Section 16.220 and Section 16.222 (Employee Relations Ordinance) of the San Francisco Administrative Code (Ordinance 109-94) to reflect the organizational and administrative changes required by Proposition "L". The Mayor approved the legislation on March 11, 1994.

The proposed amendments to Civil Service Commission Rule 21 reflect the move of the Employee Relations Division from the Mayor's Office to the Department of Human Resources. The Employee Relations functions performed by the Civil Service Commission under the Employee Relation Ordinance and Civil Service Commission Rule 21 prior to the passage of Proposition L continue to remain under the jurisdiction of the Civil Service Commission.

Questions concerning this Rule amendment may be directed to Jan Rogers, Senior Personnel Analyst at 557-4990 or Kate Favetti, Senior Personnel Analyst, at 554-4748.

CIVIL SERVICE COMMISSION

Albert C. Walker
Executive Officer

(3757B)

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RULE 21

RULES RELATED TO THE EMPLOYER-EMPLOYEE RELATIONS ORDINANCE

ADDITIONS ARE IN CAPITAL LETTERS; DELETIONS ARE IN [[DOUBLE BRACKETS]].

Section 21.01 AUTHORITY

By virtue of the authority vested in it by the Employer-Employee Relations Ordinance of the City and County of San Francisco, Ordinance No. 313-76 [New Ordinance to be assigned] (hereinafter the "Ordinance"), amending the Administrative Code by adding Chapter 16, Article XI.A thereof, the Civil Service Commission, (hereinafter referred to as "Civil Service Department") hereby issues the following rules which it finds necessary to carry out the provisions of said Ordinance. The Civil Service Department shall take such action as it may deem necessary to effectuate the policies of the Ordinance.

PART I. Employee Recognition Elections

Section 21.02. DEFINITIONS

Words and terms used herein shall have the same meaning as in the Administrative Code, Chapter 16, Article XI.A, where applicable. Wherever the word "certified" is used in these Rules or on any official form of the Civil Service Department, it shall be taken to mean and shall be defined as "recognized" as that word appears in the Ordinance.

Section 21.03. REQUEST FOR RECOGNITION

The filing of a Request for Recognition or a Challenging Petition accompanied by appropriate verification or proof of employees' approval shall be in accordance with the provisions of Ordinance Section 16.211. Requests for Recognition and Challenging Petitions shall be in writing on the form prescribed by the Civil Service Department, and an original and four (4) copies shall be filed with the Civil Service Department. Where the unit for which recognition is sought involves a presently certified representative, such representative shall be notified of the Request for Recognition.

Section 21.04. DECERTIFICATION PETITION

A Decertification Petition shall be in writing on the form prescribed by the Civil Service Department, and an original and four (4) copies thereof shall be filed with the Civil Service Department. The filing of a Decertification Petition accompanied by appropriate verification or proof of employees' approval shall be in accordance with the provisions of Ordinance Section 16.212 within the time period set forth in the Ordinance Section.

Section 21.05. PROOF AND VERIFICATION OF EMPLOYEES' APPROVAL

Proof of employees' approval of a Request for Recognition, a Challenging Petition, or a Decertification Petition shall accompany the filing of the prescribed form. Such proof need be filed with the Civil Service Department only. For purposes of verification by the Civil Service Department, a list of eligible employees shall be furnished by the [Employee Relations Division] HUMAN RESOURCES DIRECTOR OR DESIGNEE to the Civil Service Department. Such list shall be furnished to the Civil Service Department no more than twenty (20) calendar days following the filing of a Request for Recognition, Challenging Petition, or Decertification Petition. Appointing Officers shall furnish the list of eligible employees from their respective departments to the [[Employee Relations Division]] DEPARTMENT OF HUMAN RESOURCES no more than ten (10) calendar days after request therefrom. Determination whether such verification or proof is satisfactory shall be made by the Civil Service Department administratively and shall not be subject to challenge at any stage of the proceedings.

Section 21.06. HOLDING OF ELECTIONS

The Civil Service Department shall designate an Election Agent to conduct an election pursuant to the provisions of Ordinance Section 16.204 (a)(2).

Section 21.07. PRE-ELECTION CONFERENCE

A. Prior to each election, the Civil Service Department and the Election Agent shall arrange for at least one pre-election conference. The parties shall be notified at least five (5) calendar days in advance of this conference. Parties shall be defined as the City and County of San Francisco as represented by the [[Employee Relations Division or its designee]] HUMAN RESOURCES DIRECTOR OR DESIGNEE and representatives from the employee organization(s) or joint council(s) of employee organizations qualified to be included on the ballot. By mutual agreement of the parties and subject to the approval of the Civil Service Department and the Election Agent, the eligible voters, the date(s), time(s) and locations(s) of said election shall be determined at the conference.

B. At this time, and for good cause, the parties shall have the opportunity, subject to the approval of the Civil Service Department and the Election Agent, to prescribe additional rules and procedures for conducting said election. These additional rules and procedures shall be binding and effective for said election as if made a part of the Civil Service Department Election Rules. Subsequent to the Pre-Election Conference, the parties shall sign an election agreement before any further action may be taken with regard to said election.

Section 21.08. ELECTIONS

Employees entitled to vote in any election shall be those employees within a representation unit with permanent or permanent limited tenure status, as set forth in Ordinance Section 16.211(e), including those employees who did not work during such period because of illness, vacation or authorized leaves of absence. The employees so entitled shall be those employees whose names appear on the last payroll which shall bear a date no less than thirty (30) calendar days prior to the date on which the election is to be held or such other date within the discretion of the Civil Service Department as may be practicable under the circumstances.

Section 21.09. LIST OF ELIGIBLE VOTERS

For purposes of the election, a list in duplicate of eligible voters shall be furnished to the Civil Service Department by the [[Employee Relations Division]] HUMAN RESOURCES DIRECTOR OR DESIGNEE within twenty (20) calendar days after a request therefore by the Civil Service Department has been made. Appointing Officers shall furnish the list of eligible voters from their respective departments to the [[Employee Relations Division]] HUMAN RESOURCES DIRECTOR OR DESIGNEE no more than ten (10) calendar days after request therefrom.

Section 21.10. ACCURACY OF LIST

Any employee organization(s) or joint council(s) of employee organizations qualified to be included on the ballot shall be afforded an opportunity to examine said list at the offices of the Civil Service Department, and to file any protest as to any inaccuracies in said list at that time. The Civil Service Department will endeavor to seek agreement upon a list of eligible voters by and between the [[Employee Relations Division]] HUMAN RESOURCES DIRECTOR OR DESIGNEE and the organizations qualified to be included on the ballot. If such agreement is not reached, the Civil Service Department shall make the determination of eligible voters and shall immediately notify the Election Agent of its determination. This list shall then become the official list of eligible voters.

Section 21.11. BALLOT CONTENT

Pursuant to Ordinance Section 16.211(d), every ballot in an election shall contain a choice of "no organization" in addition to the names of the employee organization(s) or joint council(s) of employee organizations which the Civil Service Department has directed to be placed on the ballot. The Election Agent shall determine by lot the order in which the names of the employee organizations will appear on the ballot. The ballot shall be in the form adopted and prescribed by the Civil Service Department.

Section 21.12. AMENDMENT OF BALLOT

A. Any employee organization or joint council(s) of employee organizations may request that its name be removed from the ballot or as it is to appear on the ballot, be amended or modified. Such request shall be filed with the Civil Service Department in writing no less than fourteen (14) calendar days before the date of election. Upon such request and after mutual agreement of the parties, the Civil Service Department shall direct the Election Agent to change the ballot accordingly.

B. Where a proceeding involves a Decertification Petition, the certified organization may not have its name removed from the ballot unless it gives notice in writing no less than twenty (20) calendar days before the date scheduled for the election. Such notice shall constitute a disclaimer of interest on the part of the certified representative to represent the employees of the unit in question. Upon such request and after mutual agreement by the parties, the Civil Service Department shall direct the Election Agent to change the ballot accordingly.

Section 21.13. MAIL BALLOT

The Civil Service Department may order an election, in whole or in part, by mail ballot, as the Civil Service Department, in its discretion, may deem to be desirable. If an election by mail ballot is ordered, in whole or in part, or if the Civil Service Department determines that absentee ballots shall be used, the Civil Service Department will establish rules and procedures as prescribed by the Election Agent at the pre-election conference.

Section 21.14. ELECTION NOTICE

Upon determining that an election is to be held pursuant to Ordinance Section 16.211(c), the Civil Service Department will cause to be prepared a Notice of Election specifying the date and place, or places thereof; the hours during which the polls will be open; the unit in which the election is to be conducted; rules concerning eligibility to vote; a sample ballot; and such additional information and instructions as the Civil Service Department may determine to be appropriate. Copies of the Notice of Election will be sent to all employee organizations appearing on the ballot, to the Election Agent, and to the [[Employee Relations Division]] DEPARTMENT OF HUMAN RESOURCES.

Section 21.15. POSTING OF ELECTION NOTICES

Appointing officers and/or their designee shall, at the direction of the Civil Service Department, post the Notice of Election at work locations where notices are normally posted for the benefit of employees in the unit. Such notices shall be posted at least five (5) calendar days, excluding Saturdays, Sundays or Holidays, prior to the election, and a Declaration of Posting shall be filed on the prescribed form with the Civil Service Department.

Section 21.16. ELECTION OBSERVERS

Each employee organization or joint council(s) of employee organizations which appear on the ballot may designate not more than two (2) employees in the involved representation unit to act as observers at each voting place. The [[Employee Relations Division]] DEPARTMENT OF HUMAN RESOURCES may also designate not more than two (2) management employees as Observers at each voting place. Observers shall assist the Election Agent and observe that ballots are properly cast and properly counted. Observers shall not be: a) supervisors of the employees voting, b) employees of any employee organization(s) or joint council of employee organization(s), or c) persons not then employed by the City and County of San Francisco. A Certification of Conduct of Election shall be filed on the prescribed form with the Civil Service Department and the Election Agent.

Section 21.17. CHALLENGED BALLOTS

A. Any party, the Civil Service Department, or its Election Agent or authorized observers may challenge the eligibility of a voter for good cause. Any ballot so challenged shall be impounded by the Election Agent. By mutual agreement at the ballot counting, the parties may, with the approval of the Civil Service Department, attest to the validity of the challenged ballots and such ballots may then be counted.

B. Unresolved challenged ballots shall remain impounded by the Election Agent. It shall be the responsibility of the challenging party to set forth, in writing, reasons for such challenge within seven (7) calendar days. Any other party involved in the election shall have the right to set forth, in writing, its reply thereto within seven (7) calendar days thereafter. Subsequently, the Civil Service Department shall determine the validity of the challenge or challenges unless disposed of by mutual agreement of the parties with the approval of the Civil Service Department. Such disposition shall be made with or without a hearing or investigation as the Civil Service Department deems appropriate. The Civil Service Department shall determine whether such challenged ballots are of sufficient number to affect the results of the election.

Section 21.18. CUSTODY AND CONTROL OF CHALLENGED BALLOTS

Ballots which are the subject of dispute as the result of challenges will remain in the custody and control of the Election Agent until such objections have been either determined or resolved.

Section 21.19. REPORT OF ELECTION RESULTS

The Election Agent shall furnish to the Civil Service Department and to the parties an unofficial tally immediately following the election. Election materials concerning the election, including ballots shall be preserved by the Election Agent for ninety (90) calendar days following the date of that election or for such longer period as may be deemed necessary in the discretion of the Civil Service Department.

Section 21.20. FILING OF OBJECTIONS

Within seven (7) calendar days after the date of the election, any interested party may file with the Civil Service Department an original and four (4) copies of objections to the election. Such objections shall contain a short statement of the reasons therefor, and the Civil Service Department shall conduct an investigation to determine whether such objections have sufficient merit to warrant a hearing before an administrative law judge.

Section 21.21. RECOGNITION

A. If no objections are filed within the time limits set forth above, or if the challenged ballots are insufficient in number to affect the results of the election, or if no run-off election is to be held, the Civil Service Department shall forthwith declare the official results of the election and notify the affected employee organizations or joint council(s) of employee organizations and the [[Employee Relations Division]] DEPARTMENT OF HUMAN RESOURCES of the results and, where appropriate issue a certificate of recognition pursuant to Ordinance Section 16.204(a)(1). The [[Employee Relations Division]] DEPARTMENT OF HUMAN RESOURCES shall notify the appropriate Appointing Officer(s) of the official election results.

B. It shall be the responsibility of the recognized employee organization or the recognized employee joint council to notify the Civil Service Department whenever such organization or council ceases to represent the employees of the City and County.

Section 21.22. INVESTIGATIONS

The Civil Service Department may conduct investigations in connection with elections or any matters arising therefrom pursuant to the provisions of Ordinance Section 16.204(a)(6).

Section 21.23. UNIT DESIGNATIONS

THE HUMAN RESOURCES DIRECTOR SHALL DESIGNATE [N]new classifications, reclassifications and requests for unit transfer of classes [[shall be referred to the Employee Relations Director for]] TO THE proper unit. [[designation.]]

PART II. Unfair Labor Practice Charges

Section 21.24. DEFINITIONS

- A. Unfair practice: A violation of Ordinance Section 16.213.
- B. Charge: A written averment of a violation of Ordinance Section 16.213.
- C. Answer: A written denial or an acknowledgment that a violation of Ordinance Section 16.213 has occurred.
- D. Charging Party: The person, organization or other entity lodging the charge with the Civil Service Department.
- E. Charged Party: The person, organization or entity averred by the charging party to have violated Ordinance Section 16.213.
- F. Service: Actual delivery of any paper to the party upon whom service is required by this rule.

Section 21.25. TIME REQUIREMENT

Charges shall be filed with the Civil Service Department within ninety (90) days after the occurrence of the alleged unfair labor practice or discovery thereof.

Section 21.26. CONTENTS OF CHARGE

A charge that a violation of Ordinance Section 16.213 has occurred shall be filed in writing on the form prescribed by Civil Service Department. Such charge shall:

- A. be signed by the person averring a violation of Ordinance Section 16.213;
- B. contain a declaration by the person filing such charge, under penalty of perjury, pursuant to Section 446 of the California Code of Civil Procedures or otherwise be under oath;

- C. contain a plain, concise statement descriptive of the violation asserted, including, if possible, the names and addresses, the time and place of occurrence of the particular acts, telephone numbers of the persons or organizations asserted to be in violation, and the subdivision or subdivisions of Ordinance Section 16.213 asserted to be violated; and
- D. contain the full name, affiliation, address and telephone number of the charging party, and the title of any representative identified as or with the charging party.

Section 21.27. FILING OF CHARGE

Six (6) copies of a charge shall be filed with the [[Assistant Secretary]] EXECUTIVE OFFICER of the Civil Service Commission.

Section 21.28. INVESTIGATION OF CHARGES

The Civil Service Department shall investigate each charge and will make a written report within thirty (30) calendar days, excluding Saturdays, Sundays and Holidays, from receipt of the charges. The Civil Service Department shall endeavor to resolve the charge through mediation prior to a formal hearing.

Section 21.29. CIVIL SERVICE DEPARTMENT ACTION

After investigation of the charges, the Civil Service Department may:

- A. dismiss the charge in whole or in part;
- B. direct a further investigation;
- C. direct that a notice of hearing be issued and served upon the respondent or respondents and all other parties involved;
- D. take such other action as it deems appropriate.

Section 21.30. WAIVER OF TIME REQUIREMENTS

The Civil Service Department may act to modify or waive any of the specific time requirements set forth in this Rule for Unfair Labor Practice Charges upon showing of good cause. The time limits contained in Rule Section 21.28 may also be waived by the Civil Service Department when, because of unusual circumstances, it becomes impracticable for the Civil Service Department to comply with same. After the adoption of this rule by the Commission, Unfair Labor Practice Charges shall comply within the time limitation as set forth in Rule Section 21.25.

PART III. Procedures for the Utilization
of Administrative Law Judges

Section 21.31. COMPLAINT

All actions which may or must be heard by an administrative law judge shall be initiated by the filing of a complaint. Said complaint shall be filed with the [[Assistant Secretary]] EXECUTIVE OFFICER of the Civil Service Commission and shall contain a statement of charges which shall set forth in ordinary and concise language the acts or omissions with which the respondent is charged, to the end that the respondent will be able to prepare a defense. The complaint shall specify the statutes, ordinances or rules which the respondent is alleged to have violated but shall not consist merely of charges phrased in the language of such statutes, ordinances or rules. The complaint shall be verified and said verification may be on information and belief.

Section 21.32. SERVICE OF COMPLAINT

If the complaint raises issues which must be referred to an administrative law judge, the Civil Service Department shall, within ten (10) working days of receipt thereof, serve a copy of the complaint on the named respondent(s) and on the [[Employee Relations Director]] HUMAN RESOURCES DIRECTOR . Said service shall be accomplished by the respondent(s) being personally served with a copy of the complaint or a copy being sent to the respondent(s) by registered mail to the address the respondent has on file with the Civil Service Department as his or her place of residence.

Section 21.33. NOTICE OF HEARING AND ANSWER TO COMPLAINT

Accompanying the complaint so served shall be a notice from the Civil Service Department to the effect that a hearing will be held on the complaint and that the respondent(s) will be notified of said date when fixed.

Such notice of the time and place of hearing shall be personally delivered or mailed to the parties at least ten (10) days prior to the hearing. The respondent(s) shall also be informed that they may, within fifteen (15) days of receiving the complaint, file an answer thereto with the Civil Service Department admitting or denying the complaint in whole or in part. The hearing shall not be scheduled prior to the expiration of the time within which the respondent is entitled to file an answer. Failure on the part of the respondent(s) to file an answer to the complaint within the aforementioned time limitation shall be deemed an admission of the truth of the facts contained herein and the hearing shall proceed on that basis.

Section 21.34. AMENDMENT TO COMPLAINT

A. A complaint may be amended once by the complainant at any time before an answer is filed with the Civil Service Department by filing same with the Civil Service Department. The Civil Service Department shall, in compliance with Section 21.32 of these rules, serve a copy of the amended complaint on the respondents. Accompanying the service of the amended complaint on the respondent shall be information to the effect that the respondent shall have ten (10) days in which to admit or deny the allegations contained in the amended complaint.

B. The administrative law judge may, in the furtherance of justice and on such terms as may be proper, allow a party to amend any pleading after notice to the adverse party, and may also on such terms as may be proper, allow an answer to be made after the time limitation contained in these procedures.

Section 21.35. DISCOVERY

A. After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within thirty (30) days after service by the Civil Service Department of the initial pleading, or within fifteen (15) days after such service of an additional pleading, is entitled to:

1. obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to those intended to be called to testify at the hearing, and
2. inspect and make a copy of any of the following in the possession or custody or under the control of the other party:
 - a. A statement of a person, other than the respondent named in the initial pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to such person is the basis for the proceeding;
 - b. A statement pertaining to the subject matter of the proceeding made by any party to another party or person;
 - c. Statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in a or b above;
 - d. All writings, including but not limited to reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;
 - e. Any other writing or thing which is relevant and which would be admissible in evidence;
 - f. Investigative reports made by or on behalf of the Civil Service Department or other party pertaining to the subject matter of the proceeding, to the extent that such reports:
 - i) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding; or

- ii) reflect matters perceived by the investigator in the course of the investigation; or
- iii) contain or include by attachment any statement or writing described in (a) to (e) inclusive, or summary thereof.

B. For the purpose of this rule, "statement" includes written statements by the person, signed or otherwise authenticated by the person, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of such oral statements.

C. Nothing in this rule shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

Section 21.36. DISCOVERY, JUDICIAL REMEDY

A. Any party claiming their request for discovery pursuant to Rule 21.35 has not been complied with may serve and file a verified petition to compel discovery in the Superior Court for the county in which the administrative hearing will be held, naming as respondent the party refusing or failing to comply with Rule 21.35. The petition shall state facts showing the respondent party failed or refused to comply with Rule 21.35, a description of the matters sought to be discovered, the reason or reasons why such matter is discoverable under this provision, and the ground or grounds of respondent's refusal so far as known to petitioner.

B. The petition shall be served upon the respondent party and filed within fifteen (15) days after the respondent party first evidenced their failure or refusal to comply with Rule 21.35 or within thirty (30) days after request was made and the party has failed to reply to the request, whichever period is longer. If from a reading of the petition, the court is satisfied that the petition sets forth good cause for relief, the court shall issue an order to show cause directed to the respondent party; otherwise the court shall enter an order denying the petition. The order to show cause shall be served upon the respondent and their attorney of record in the administrative proceeding by personal delivery or registered mail and shall be returnable no earlier than ten (10) days from its issuance nor later than thirty (30) days after the filing of the petition. The respondent party shall have the right to serve and file a written answer or other response to the petition and order to show cause.

C. The administrative proceeding shall be stayed during the pendency of the proceedings before the Superior Court only if the court issues an order to show cause.

D. Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that such matter is not a discoverable matter under the provisions of Rule 21.35 or is privileged against disclosure under such provisions, the court may order lodged with it such matters as are provided in subdivision (b) of Section 915 of the Evidence Code and examine such matters in accordance with the provisions thereof.

E. The court shall decide the case on the matters examined by the court in camera, the papers filed by the parties, and such oral argument and additional evidence as the court may allow.

F. Unless otherwise stipulated by the parties, the court shall not later than thirty (30) days after the filing of the petition file its order denying or granting the petition, provided however, the court may on its own motion for good cause extend such time an additional thirty (30) days. The order of the court shall be in writing setting forth the matters or parts thereof the petitioner is entitled to discover under Rule 21.35. A copy of the order shall forthwith be served by mail by the clerk upon the parties. Where the order grants the petition in whole or in part, such order shall not become effective until ten (10) days after the date the order is served by the clerk. Where the order denies relief to the petitioning party, the order shall be effective on the date it is served by the clerk.

G. The order of the Superior Court shall be final and not subject to review by appeal. A party aggrieved by such order, or any part thereof, may within fifteen (15) days after the service of the Superior Court's order serve and file in the appropriate court of appeal a petition for a writ of mandamus to compel the Superior Court to set aside or otherwise modify its order. Where such review is sought from an order granting discovery, the order of the trial court and the administrative proceeding shall be stayed upon the filing of the petition for writ of mandamus, provided, however, the court of appeal may dissolve or modify the stay thereafter if it is in the public interest to do so. Where such review is sought from a denial of discovery, neither the trial court's order nor the administrative proceeding shall be stayed by the court of appeal except upon a clear showing of probable error.

H. Where the Superior Court finds that a party or their attorney, without substantial justification, failed or refused to comply with Rule 21.35 or, without substantial justification, filed a petition to compel discovery pursuant to this section, or, without substantial justification, failed to comply with any order of court made pursuant to this rule, the court may award court costs and reasonable attorney fees to the opposing party. Nothing in this subdivision shall limit the power of the Superior Court to compel obedience to its orders by contempt proceedings.

Section 21.37. ADMINISTRATIVE LAW JUDGE, REPORTER

A. Every hearing in a contested case shall be presided over by an administrative law judge. The administrative law judge shall preside at the hearing, rule on the admission and exclusion of evidence, and matters of law.

B. The administrative law judge shall voluntarily disqualify herself or himself and shall withdraw from any case in which the administrative law judge cannot afford a fair and impartial hearing or consideration. Any party may request the disqualification of any administrative law judge by filing an affidavit, prior to the taking of evidence at a hearing, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be afforded. The issue of disqualification shall be determined by the administrative law judge.

C. The proceedings at the hearing shall be reported by either a court reporter or by electric recording device.

Section 21.38. EVIDENCE RULES

A. Oral evidence shall be taken only on oath or affirmation.

B. Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called the witness to testify; and to rebut the evidence against her or him. If the respondents do not testify in their own behalf, they may be called and examined as if under cross-examination.

C. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing, and irrelevant and unduly repetitious evidence shall be excluded.

D. The hearing shall be conducted in the English language. The proponent of any testimony to be offered by a witness who does not proficiently speak the English language shall provide an interpreter, approved by the administrative law judge conducting the proceeding as proficient in the English language and the language in which the witness will testify, to serve as interpreter during the hearing. The cost of the interpreter shall be paid by the party providing the interpreter.

Section 21.39. EVIDENCE BY AFFIDAVIT

A. At any time ten (10) or more days prior to a hearing or a continued hearing, any party may mail or deliver to the opposing party a copy of any affidavit which that party proposes to introduce in evidence, together with a notice as provided in Rule 21.39, subsection B. Unless the opposing party, within seven (7) days after such mailing or delivery, mails or delivers to the proponent a request to cross-examine an affiant, the right to cross-examine such affiant is waived and the affidavit, if introduced in evidence, shall be given the same effect as if the affiant had testified orally. If an opportunity to cross-examine an affiant is not afforded after request therefor is made as herein provided, the affidavit may be introduced in evidence, but shall be given only the same effect as other hearsay evidence.

B. The notice referred to in subsection A above shall be substantially in the following form:

The accompanying affidavit of (here insert name of affiant) will be introduced as evidence at the hearing in (here insert title of proceeding). (Here insert name of affiant) will not be called to testify orally and you will not be entitled to question her or him unless you notify (here insert name of the proponent or attorney) at (here insert address) that you wish to cross-examine her or him.

To be effective, your request must be mailed or delivered to (here insert name of proponent or attorney) on or before (here insert a date seven (7) days after the date of mailing or delivering the affidavit to the opposing party).

Section 21.40. OFFICIAL NOTICE

In reaching a decision official notice may be taken, either before or after submission of the case for decision of any fact which may be judicially noticed by the courts of this State. Parties present at the hearing shall be informed of the matters to be noticed, and those matters shall be noted in the record, referred to therein, or appended thereto. Any such party shall be given a reasonable opportunity on request to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the administrative law judge.

Section 21.41. DECISION OF ADMINISTRATIVE LAW JUDGE

After the matter is submitted, the administrative law judge shall prepare a written decision in the case which shall be immediately binding upon all the parties to the hearing. A copy of said decision shall be furnished to each party and to the [[Employee Relations]] HUMAN RESOURCES Director.

Section 21.42 CONTINUANCE

The administrative law judge may grant continuances. When an administrative law judge of the Office of Administrative Hearings has been assigned to such hearing, no continuance may be granted except by the administrative law judge or by the administrative law judge in charge of the San Francisco Office of Administrative Hearings for good cause shown.

Section 21.43 MATTERS WHICH MAY BE SUBMITTED TO AN ADMINISTRATIVE LAW JUDGE

A. If the complaint raises issues which may be submitted to an administrative law judge, the Civil Service Department shall, within thirty (30) calendar days, excluding Saturdays, Sundays and Holidays from receipt thereof, conduct an investigation into the facts surrounding the allegations and based thereon make a determination as to whether or not the complaint has sufficient merit to warrant a hearing before an administrative law judge.

B. If the Civil Service Department determines that the facts stated in the complaint give rise to a valid dispute between the parties, the matter shall be referred to an administrative law judge and the provisions of this article shall be applicable. If the Civil Service Department determines that the complaint does not state facts which warrant a hearing by the administrative law judge, it shall dismiss said complaint and immediately notify the complainant of such action.

Section 21.44. SUBPOENAS

A. Before the hearing has commenced, the administrative law judge shall issue subpoenas and subpoenas duces tecum at the request of any party for attendance or production of documents at the hearing. Compliance with the provisions of Section 1985 of the Code of Civil Procedure shall be a condition precedent to the issuance of a subpoena duces tecum. After the hearing has commenced, the administrative law judge may issue subpoenas and subpoenas duces tecum.

B. The process issued pursuant to Rule 21.44, subsection A, shall be extended to all parts of the State and shall be served in accordance with the provisions of Sections 1987 and 1988 of the Code of Civil Procedure. No witnesses shall be obliged to attend at a place out of the county in which they reside unless the distance be less than 150 miles from the place of residence except that the administrative law judge, upon affidavit of any party showing that the testimony of such witness is material and necessary, may endorse on the subpoena an order requiring the attendance of such witnesses.

C. All witnesses appearing pursuant to subpoena, other than the parties or officers or employees of the State or any political subdivision thereof, shall receive fees, and all witnesses appearing pursuant to subpoena, except the parties, shall receive mileage in the same amount and under the same circumstances as prescribed by law for witnesses in civil actions in a Superior Court. Witnesses appearing pursuant to subpoena, except the parties, who attend hearings at points so far removed from their residence as to prohibit return thereto from day to day shall be entitled in addition to fees and mileage to a per diem compensation of twenty-five dollars (\$25) for expenses of subsistence for each day of actual attendance and for each day necessarily occupied in traveling to and from the hearing. Fees, mileage and expenses of subsistence shall be paid by the party at whose request the witness is subpoenaed.

Section 21.45. CONTEMPT

If any person in proceedings before an administrative law judge disobeys or resists any lawful order or refuses to respond to a subpoena, or refuses to take the oath or affirmation as a witness or thereafter refuses to be examined, or is guilty of misconduct during a hearing or so near the place thereof as to obstruct the proceeding, the administrative law judge shall certify the facts to the Superior Court in and for the City and County of San Francisco. The court shall thereupon issue an order directing the person to appear before the court and to show cause why he or she should not be punished as for contempt. The order and a copy of the certified statement shall be served on the person. Thereafter the court shall have jurisdiction of the matter. The same proceedings shall be had, the same penalties may be imposed and the persons charged may purge themselves of the contempt in the same ways, as in the case of persons who have committed a contempt in the trial of a civil action before a Superior Court.

Section 21.46. POWER TO ADMINISTER OATHS

In any proceedings under these rules the hearing reporter or the administrative law judge shall have the power to administer oaths and affirmations.





**CIVIL SERVICE COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

MEMORANDUM

CSC NO. 94-12

DOCUMENTS DEPT.

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DATE : June 8, 1994

TO : Appointing Officers
Personnel Officers
Employee Organization Representatives

From : Albert C. Walker
Executive Officer

SUBJECT: PROPOSED ADDITION TO CIVIL SERVICE COMMISSION RULES ADDING PROPOSED
NEW RULE 32A - LAYOFF OF PROVISIONAL EMPLOYEES

At its meeting of June 6, 1994, the Civil Service Commission posted a proposed addition to the Civil Service Commission Rules adding a proposed new Rule, Rule 32A - Layoff of Provisional Employees.

The purpose of this Rule addition is to restore the use of seniority for the layoff of provisional employees.

Requests to meet and confer by recognized employee organizations, and requests to consult by other parties, on this proposed change must be in writing and received in the Civil Service Commission offices Room 153, City Hall, San Francisco, CA 94102 by Wednesday, June 15, 1994.

CIVIL SERVICE COMMISSION

Albert C. Walker
Executive Officer

(4019B)

PROPOSED ADDITION TO THE CIVIL SERVICE COMMISSION RULES

PROPOSED NEW RULE 32A

LAYOFF OF PROVISIONAL EMPLOYEES

A. COMPUTATION OF SENIORITY OF PROVISIONAL EMPLOYEES

Seniority for provisional employees shall be calculated from the date an employee starts to work in the current continuous provisional appointment in a department. Seniority in the event of ties shall be broken by lot in a manner prescribed by the Human Resources Director and conducted under the supervision of the Human Resources Director.

B. ORDER OF LAYOFF OF PROVISIONAL EMPLOYEES

1. Provisional employees with the least seniority in the class in the department shall be laid off first except if a more senior provisional employee elects to be laid off. In the event of a conflict, the provisional employee with the greater seniority shall have preference.
2. Entrance provisional employees shall be laid off prior to the layoff of any promotional provisional employees in the same class.

C. PREEMPTION OF CERTAIN PROVISIONS OF CIVIL SERVICE COMMISSION

RULE 32 - LAYOFF AND INVOLUNTARY LEAVE

This Rule supercedes and replaces on an interim basis any relevant provisions of Rule 32 - Layoff and Involuntary Leave, applicable to provisional employees.

D. EXCEPTIONS TO COVERAGE UNDER THIS RULE

The provisions of this Rule apply to employees in all classes except those represented by the Transport Workers Union - Locals 200 and 250A, Local 21, and uniformed members of the Police and Fire Departments. Refer to Appendix I of these Rules for the provisions applying to employees in classes represented by the Transport Workers Union, Locals 200 and 250A and uniformed members of the Police and Fire Departments. Layoff of employees in classes represented by Local 21 shall be as required under its contractual agreement with the City and County.

E. EXPIRATION DATE

This Rule as adopted by the Civil Service Commission at its meeting of _____ shall automatically expire on December 31, 1994.



**CIVIL SERVICE COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

MEMORANDUM

DOCUMENTS DEPT.

MAY 31 1994

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CSC NO. 94-10

URGENT COMMUNICATION TO DEPARTMENTAL OFFICIALS

EMI R. UYEHARA,
PRESIDENT

JUAN RIOS
VICE PRESIDENT

KAREN CLOFTON
COMMISSIONER

GEORGE KOSTUROS
COMMISSIONER

A. LEE MUNSON
COMMISSIONER

ALBERT C. WALKER
EXECUTIVE OFFICER

DATE : May 25, 1994

TO : Appointing Officers
Departmental Personnel Officers

FROM : Albert C. Walker
Executive Officer, Civil Service Commission

SUBJECT: PROPOSED AMENDMENT TO THE CIVIL SERVICE COMMISSION RULES TO
RESTORE THE USE OF SENIORITY FOR THE LAYOFF OF PROVISIONAL
EMPLOYEES.

At its meeting of June 6, 1994, the Civil Service Commission will consider a proposed amendment to its Rules that would require the use of seniority based on start work date for the layoff of provisional employees.

As you are aware, on September 20, 1993 the Civil Service Commission adopted a number of changes to its Rules to implement Proposition C on the November 1991 Ballot. One of the significant Rule changes was the consolidation and redefinition of non-civil service and limited tenure employees into "provisional" status and the removal from provisional employees of certain civil service protections such as "good cause" for termination and the use of seniority for layoff. These changes were effective on January 1, 1994. However, certain employees retained the right of layoff by seniority and are not covered by the new Rules. These employees are in classes represented by the Transport Workers Union, Locals 200 and 250-A, and members of the uniformed ranks of the Police and Fire Departments. In addition, classes represented by Local 21 are covered by a labor agreement which requires layoffs of provisional employees by seniority.

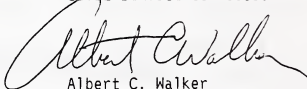
This memorandum is to alert departments of the proposal to restore the use of seniority for layoff of provisional employees. It is urged that departments plan accordingly and not deviate from the principle of layoff by strict seniority based on start work date for all provisional employees regardless of the length of service.

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Departments will be advised immediately after the June 6 Civil Service Commission meeting of the status of the provisional layoff proposal.

Please contact either me at 554-4747 or Kate Favetti at 554-4748, if there are questions.

CIVIL SERVICE COMMISSION

A handwritten signature in dark ink, appearing to read "Albert C. Walker", written in a cursive style.

Albert C. Walker
Executive Officer

(3977B)



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

MEMORANDUM

CSC NO. 94-15

JUAN RIOS
PRESIDENT

KAREN CLOPTON
VICE PRESIDENT

GEORGE KOSTUROS
COMMISSIONER

A. LEE MUNSON
COMMISSIONER

EMI UYEHARA
COMMISSIONER

ALBERT C. WALKER
EXECUTIVE OFFICER

DATE : June 21, 1994

TO : Department Heads
Personnel Officers
Employee Organizations

FROM : Albert C. Walker
Executive Officer, Civil Service Commission

SUBJECT: PROPOSED AMENDMENT TO CIVIL SERVICE COMMISSION RULE 32 -
LAYOFF AND INVOLUNTARY LEAVE, SECTION 32.08 - LAYOFF -
PERMANENT APPOINTEES, SUBSECTION B, TO PROVIDE THAT ALL
LAID OFF PERMANENT AND PROBATIONARY EMPLOYEES MAY DISPLACE
OTHER PERMANENT OR PROBATIONARY EMPLOYEES IN THE SAME CLASS
WITH LESS SENIORITY IN ANY DEPARTMENT ("CITYWIDE SENIORITY"); AND


PROPOSED AMENDMENT TO CIVIL SERVICE COMMISSION RULE 32 -
LAYOFF AND INVOLUNTARY LEAVE, TO DELETE THE RULE 32 APPENDIX -
CLASSES INCLUDED IN CITYWIDE SENIORITY FOR LAYOFF PURPOSES.

At its meeting of June 20, 1994, the Civil Service Commission posted proposed amendments to the Civil Service Commission Rules as detailed in the subject to provide for interdepartmental "bumping" for all classes on the basis of city-wide seniority.

A copy of the proposed amendments is attached.

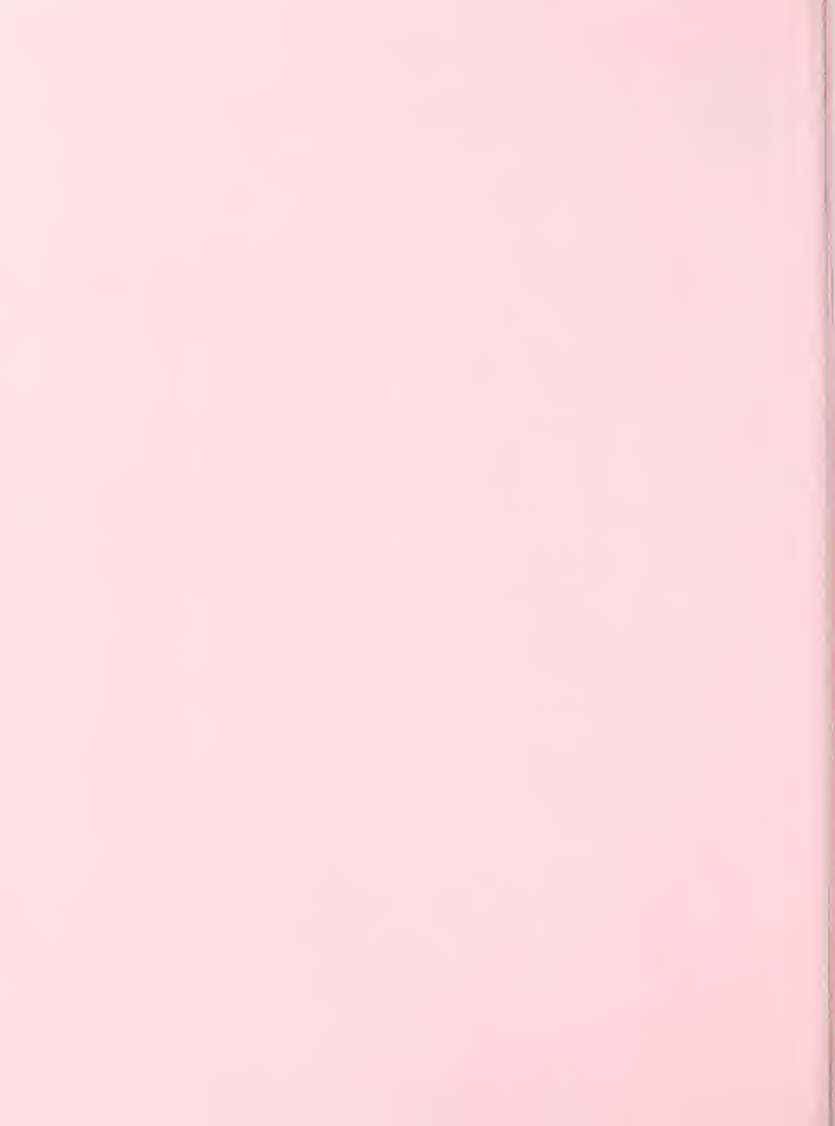
Requests to meet and confer by recognized employee organizations, and requests to consult by other parties, on these proposed changes must be in writing and received in the Civil Service Commission offices, Room 153 City Hall, San Francisco, CA 94102, by 5 p.m., Friday, June 24, 1994.

CIVIL SERVICE COMMISSION


Albert C. Walker
Executive Officer

Attachment (2 pages)

(4114B)



PROPOSED AMENDMENTS TO CIVIL SERVICE COMMISSION RULE 32 -

LAYOFF AND INVOLUNTARY LEAVE

Additions are in UPPER CASE AND UNDERLINED;
deletions are indicated by UPPER CASE and ((DOUBLE PARENTHESES))

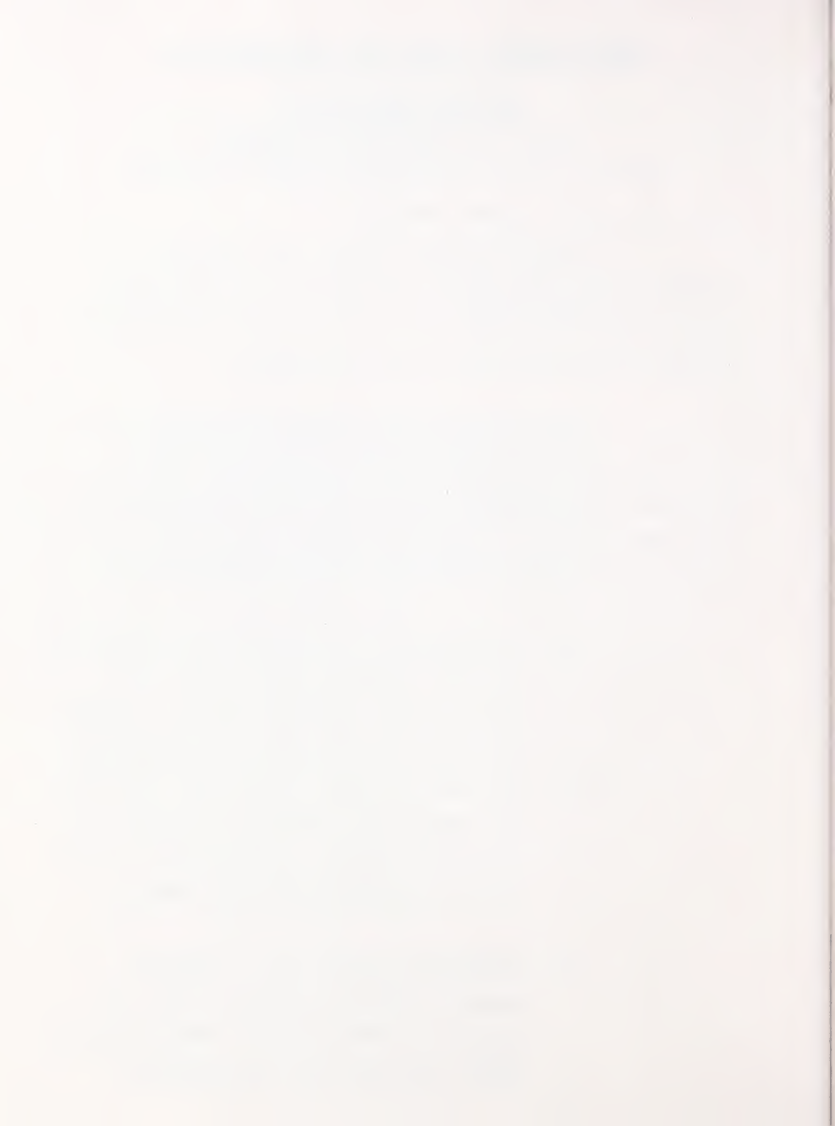
Section 32.08 LAYOFF - PERMANENT APPOINTEES

A. Layoff of permanent appointees shall be by class in a department in inverse order of seniority except if a more senior permanent appointee elects to be laid off. In the event of a conflict, the permanent appointee with the greater seniority shall have preference.

B. Layoff shall be treated separately under each appointing officer except that permanent and probationary employees ((IN CLASSES DETERMINED BY THE COMMISSION AND LISTED IN THE APPENDIX OF THIS RULE,)) may displace other permanent or probationary employees in the same class with less seniority in any department. ((AND EXCEPT AS OTHERWISE PROVIDED BELOW:))

((1. AN APPOINTEE WITH FIVE (5) OR MORE YEARS OF SENIORITY IN A CLASS, IMMEDIATELY PRIOR TO LAYOFF IN THAT CLASS, SHALL HAVE THE RIGHT TO DISPLACE AN APPOINTEE WITH LESS THAN FIVE (5) YEARS OF SENIORITY IN THAT CLASS IN ANY DEPARTMENT. IN THAT EVENT, LAYOFF SHALL BE BY INVERSE ORDER OF SENIORITY IN THE CLASS IN THE CITY AND COUNTY SERVICE. THE APPOINTEE SHALL THEN BE SUBJECT TO SERVING A NEW PROBATIONARY PERIOD.))

((2. AS PROVIDED IN SECTION 32.10(A), A PERMANENT APPOINTEE, REGARDLESS OF LENGTH OF SERVICE, MAY DISPLACE ANY TEMPORARY APPOINTEE, INCLUDING PART-TIME EXEMPT, IN THE SAME CLASS IN ANY DEPARTMENT.))



PROPOSED AMENDMENTS TO CIVIL SERVICE COMMISSION RULE 32 -

LAYOFF AND INVOLUNTARY LEAVE

additions are in UPPER CASE AND UNDERLINED;
deletions are indicated by UPPER CASE and ((DOUBLE PARENTHESES))

THIS ENTIRE APPENDIX IS PROPOSED FOR DELETION

((RULE 32 - APPENDIX))

((CLASSIFICATIONS INCLUDED IN CITYWIDE SENIORITY
FOR LAYOFF PURPOSES
(Rule 32, Section 32.08)))

((2708 CUSTODIAN
3402 FARMER
3417 GARDENER
3428 NURSERY SPECIALIST
3434 TREE TOPPER
5310 SURVEYOR'S FIELD ASSISTANT
5312 SURVEYOR
6318 CONSTRUCTION INSPECTOR
7306 AUTOMOTIVE BODY AND FENDER WORKER
7309 CAR AND AUTO PAINTER
7311 CEMENT MASON
7313 AUTOMOTIVE MACHINIST
7318 ELECTRONIC MAINTENANCE TECHNICIAN
7319 ELECTRIC MOTOR REPAIRER
7326 GLAZIER
7328 OPERATING ENGINEER, UNIVERSAL
7332 MAINTENANCE MACHINIST
7333 APPRENTICE STATIONARY ENGINEER
7334 STATIONARY ENGINEER
7338 ELECTRICAL LINE WORKER
7344 CARPENTER
7345 ELECTRICIAN
7346 PAINTER
7347 PLUMBER
7348 STEAMFITTER
7355 TRUCK DRIVER
7358 PATTERN MAKER
7360 PIPE WELDER
7367 RADIO TECHNICIAN
7372 STATIONARY ENGINEER, SEWAGE PLANT
7375 APPRENTICE STATIONARY ENGINEER, SEWAGE PLANT
7376 SHEET METAL WORKER
7381 AUTOMOTIVE MECHANIC
7388 UTILITY PLUMBER
7392 WINDOW CLEANER
7395 ORNAMENTAL IRON WORKER
7404 ASPHALT FINISHER
7410 AUTOMOTIVE SERVICE WORKER
7434 MAINTENANCE MACHINIST HELPER
7450 SHADE AND DRAPERY WORKER
7514 GENERAL LABORER)))



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

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MEMORANDUM

CSC NO. 94-17

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F
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22-94
74-17
JUAN RIOS
PRESIDENT

KAREN CLOPTON
VICE PRESIDENT

GEORGE KOSTUROS
COMMISSIONER

A. LEE MUNSON
COMMISSIONER

EMO UYEHARA
COMMISSIONER

ALBERT C. WALKER
EXECUTIVE OFFICER

Date: July 22, 1994

To: Department Heads
Personnel Officers
Employee Organizations

From: Albert C. Walker
Executive Officer

SUBJECT: PROPOSED AMENDMENTS TO CIVIL SERVICE COMMISSION RULE 22 - LEAVES OF ABSENCE

On July 18, 1994, the Civil Service Commission posted proposed amendments to Civil Service Commission Rule 22 - Leaves of Absence, to reflect changes required by the Family and Medical Leave Act; to extend the Family and Medical Leave Act entitlements to domestic partners consistent with the City and County policy; and to change salary supplement provisions when an employee is on Workers' Compensation or when using state disability insurance. A copy of the proposed changes is attached.

I. FAMILY AND MEDICAL LEAVE ACT CHANGES

The main purpose of the Family and Medical Leave Act (FMLA) is to attempt to balance the needs of the changing American workforce and those of the work organizations. All departments were previously instructed and have been in compliance with the FMLA since its application to the City and County became effective; however, changes to the Civil Service Commission Rules are required. In addition, it is the City and County's and the Civil Service Commission's policy to grant domestic partners the same benefits as spouses. Consequently, the Civil Service Commission is proposing to amend its Rules to provide all FMLA benefits to domestic partners.

SUMMARY OF FMLA CHANGES TO RULE 22

The proposed FMLA amendments to Civil Service Commission Rule 22 - Leaves of Absence, reflect:

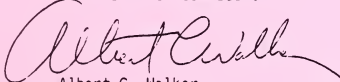
1. the addition of health care providers that are qualified to certify a medical condition under the FMLA, i.e., Nurse Practitioners, Nurse Midwives, and Optometrists (Rule 22, Section 22.02);
2. twelve (12) week entitlement of Family Care Leave (Rule 22, Section 22.08);
3. the extension of eligibility for Family Care Leave to non-permanent employees (Rule 22, Section 22.08); and
4. the extension of FMLA entitlement for Family Care Leave to employees to care for a seriously ill domestic partner (Rule 22, Section 22.08).

II. CHANGES IN SALARY SUPPLEMENT PROVISIONS WHEN EMPLOYEE ON WORKERS' COMPENSATION OR WHEN ON STATE DISABILITY INSURANCE (SDI)

The Civil Service Commission proposes to amend Rule 22 - Leaves of Absence, Section 22.02(E) Disability Leave, to modify the method that Workers' Compensation and State Disability Insurance (SDI) payments are supplemented with sick leave with pay credits. Currently, the Rule allows employees to supplement their salary while on Workers' Compensation or SDI so as to equal the FULL salary the employee would have earned for the regular work schedule. Since the Workers' Compensation and SDI portions of an employee's paycheck are non-taxable, the employee may have more "take home" than normal. Consequently, the Civil Service Commission is proposing that Rule 22 be amended to provide that salary supplementation result in the NET amount an employee would have earned for a regular work schedule minus premium pay adjustments, rather than the FULL salary. The NET amount would be gross salary minus mandatory deductions; the employee would still control and be able to adjust any voluntary deductions during the disability leave.

On July 18, 1994, the Civil Service Commission directed that these proposed amendments be forwarded to the Department of Human Resources - Employee Relations Division. The Employee Relations Division will coordinate meet and confer with employee organizations. Notice of meet and confer sessions will come directly from the Employee Relations Division.

CIVIL SERVICE COMMISSION



Albert C. Walker
Executive Officer

SUMMARY OF AMENDMENTS TO RULE 22 LEAVE OF ABSENCE
TO IMPLEMENT THE FAMILY AND MEDICAL ACT

Additions are bold and underscored.

Deletions are CAPITALIZED and encased in ((DOUBLE PARENTHESES));

LEAVES OF ABSENCE

SECTION 22.01 LEAVES OF ABSENCE - GENERAL REQUIREMENTS

B. Except for vacation leave, witness/jury duty leave, compulsory sick leave, disability leave or unpaid administrative leave, an employee requesting a leave for more than five (5) working days shall submit such request to the appointing officer or designee on the form prescribed by the Human Resources Director. Requests for sick leave in excess of five (5) continuous working days shall be certified by a licensed medical doctor, doctor of dental surgery, doctor of podiatric medicine, licensed clinical psychologist, Christian Science Practitioner, ((OR)) licensed doctor of chiropractic or licensed nurse practitioner, licensed nurse midwife or licensed optometrist. Verification of sick leave with pay for less than five (5) working days (seven [7] calendar days in the case of part-time employees) as provided elsewhere in this Rule shall be required on an individual basis only and shall be based upon an evaluation of the individual attendance record of an employee.

G. Exempt employees may be entitled to leave pursuant to the Family and Medical Leave Act. Other requests for leave by exempt employees may be granted ((LEAVES)) in accordance with the provisions of this Rule. The decision of the appointing officer shall be final ((IN ALL CASES)).

SUMMARY OF AMENDMENTS TO RULE 22 LEAVE OF ABSENCE
REFLECTING CHANGES REQUIRED BY THE FAMILY AND MEDICAL LEAVE ACT
AND
EXTENDING THE FAMILY AND MEDICAL LEAVE ACT ENTITLEMENTS TO
DOMESTIC PARTNERS CONSISTENT WITH CITY AND COUNTY POLICY;

Additions are bold and underscored.

Deletions are CAPITALIZED and encased in ((DOUBLE PARENTHESES));

LEAVES OF ABSENCE

SECTION 22.02 (A)(2)(a)(iii) SICK LEAVE - MEDICAL REASONS

- iii. Absence because of a serious health condition as defined by the Family and Medical Leave Act that makes the employee unable to perform the function of the position.

SECTION 22.02 (C)(1) SICK LEAVE WITHOUT PAY

1. Sick Leave Without Pay--Requests Under the Family and Medical Leave Act

Consistent with the Family and Medical Leave Act, employees who have one (1) or more years of continuous service in any status and have worked 1,250 hours during the twelve (12) month period immediately preceding the leave are entitled up to twelve (12) weeks unpaid sick leave, except that appointing officers may require that employees use sick pay or other pay credits. Denial of requests for sick leave made in compliance with the FMLA may be appeal as provided elsewhere in this rule.

Additions are bold and underscored.

Deletions are capitalized and encased in ((DOUBLE PARENTHESES));

((1))2. Sick Leave Without Pay((--ELIGIBILITY)) Other Than
Requests Made Under the Family and Medical Leave Act

a. Eligibility

1. Subject to the provisions of this section, sick leave without pay may be granted to employees who are not eligible for sick leave with pay or, subject to the approval of the appointing officer or designee, employees may choose not to use their sick leave with pay credits.

((2)) b. Sick Leave Without Pay - Temporary and Provisional Employees

1. Sick leave without pay may be granted to temporary or provisional employees. Such leave shall be renewed monthly and shall not be extended beyond three (3) calendar months except for sick leave - maternity.

((3)) c. Sick Leave Without Pay - Permanent Employees

1. Sick leave without pay may be approved for permanent employees for the period of the illness provided that requests for prolonged leave shall be renewed every three (3) months and provided further that such leave shall not be extended beyond a period of one (1) continuous year unless the physician designated by the Human Resources Director advises that there is a reasonable probability that the employee will be able to return to employment.

Family and Medical Leave Act Amendments - (continued)

Additions are bold and underscored.

Deletions are capitalized and encased in ((DOUBLE PARENTHESES));

((b))ii. If the physician designated by the Human Resources Director determines that there is no reasonable probability that the employee will be able to return to duty, the appointing officer shall have good cause for discharge.

((c))iii. The physician designated by the Human Resources Director may defer certification of capability for additional periods of three (3) month intervals up to one (1) additional year.

((4)) e. Prohibition Against Employment While on Sick Leave Without Pay

((a))iv. Employees are prohibited from working in any other employment when on sick leave without pay unless, after considering the medical reason for the sick leave without pay, the appointing officer with the approval of the Human Resources Director, grants permission for the employee to engage in outside employment.

((b))v. Violators of this section are subject to disciplinary action as provided in the Charter.

Additions are bold and underscored.

Deletions are capitalized and encased in ((DOUBLE PARENTHESES));

Section 22.08. FAMILY CARE LEAVE

A. DEFINITION OF FAMILY

A unit of interdependent and interacting persons, related together over time by strong social and emotional bonds and/or by ties of marriage, birth and adoption, whose central purpose is to create, maintain, and promote the social, mental, physical and emotional development and well being of each of its members.

B. ((PERMANENT EMPLOYEES WHO HAVE ONE (1) OR MORE YEARS OF CONTINUOUS SERVICE IN ANY STATUS MAY BE GRANTED UP TO ONE (1) YEAR OF UNPAID FAMILY CARE LEAVE FOR THE FOLLOWING REASONS:))

Employees who have one (1) or more years of continuous service in any status and have worked 1,250 hours during the year immediately preceding the leave are entitled up to 12 weeks of Family Care Leave if their request meets the provisions of the Family and Medical Leave Act. Permanent employees who have one (1) or more years of continuous service may be granted additional Family Care Leave. The total Family Care Leave granted to permanent employees shall not exceed one year. Family Care Leave shall be defined as leave for the following reasons:

1. The birth of a biological child of the employee;

Additions are bold and underscored.

Deletions are capitalized and encased in ((DOUBLE PARENTHESES));

2. The assumption by the employee of parenting or child rearing responsibilities through adoption or foster care. ((FAMILY CARE LEAVE DOES NOT APPLY TO AN EMPLOYEE WHO TEMPORARILY CARES FOR A CHILD FOR COMPENSATION, SUCH AS A PAID CHILD CARE WORKER;))

3. The serious illness or health condition of a family member of the employee, the employee's spouse or domestic partner, a parent of the employee or the employee's spouse or domestic partner, the biological or adoptive child of the employee, or a child for whom the employee has parenting or child rearing responsibilities; or

4. The mental or physical impairment of a family member of the employee, the employee's spouse or domestic partner, a parent of the employee or the employee's spouse or domestic partner, the biological or adoptive child of the employee, or a child for whom the employee has parenting or child rearing responsibilities, which impairment renders that person incapable of self-care.

C. Family care leave is unpaid leave. Such leave may be granted in addition to accumulated compensatory time off, vacation time, floating holiday time or sick leave as specified under Section 22.02(A)(3)(e)
- Sick Leave - Illness or Medical Appointment of Child.

D. Denial of family care leave is appealable as provided elsewhere in this rule.

CHANGES IN SALARY SUPPLEMENT PROVISIONS WHEN
EMPLOYEE ON WORKERS COMPENSATION OR WHEN USING STATE DISABILITY INSURANCE

Additions are bold and underscored.

Deletions are CAPITALIZED and encased in ((DOUBLE PARENTHESES));

LEAVES OF ABSENCE

SECTION 22.02 (E) Disability Leave

1. Absence due to illness or injury arising out of and in the course of employment is defined as "disability leave" and is administered under the State Workers' Compensation Laws and the Rules of the Retirement Board.

2. An employee who is absent because of disability leave and who is receiving disability indemnity payments may request, by submitting a signed option statement to the employee's department no later than ninety (90) days following the employee's release from disability leave, that the amount of disability indemnity payment be supplemented with salary to be charged against the employee's sick leave with pay credits ((SUPPLEMENTAL DISABILITY CREDITS)) so as to equal the ((FULL SALARY)) net amount the employee would have earned for ((THE)) a regular work schedule minus premium pay adjustments. ((THE REGULAR WORK SCHEDULE SHALL BE THAT SCHEDULE IN EFFECT AT THE COMMENCEMENT OF THE DISABILITY LEAVE.))

((3. SUPPLEMENTAL DISABILITY CREDITS SHALL BE AN ACCOUNT SEPARATE FROM, BUT EQUIVALENT TO, THE EMPLOYEE'S ACCUMULATED UNUSED SICK LEAVE WITH PAY CREDIT BALANCE EXCEPT THAT THE SUPPLEMENTAL DISABILITY CREDIT ACCOUNT SHALL BE ADJUSTED AS PROVIDED BELOW.))

Additions are bold and underscored.

Deletions are CAPITALIZED and encased in ((DOUBLE PARENTHESES));

3.((4.)) Failure to exercise the option to supplement disability indemnity payments within ninety (90) calendar days following release from disability leave will preclude later requests.

((5. Supplemental disability credits shall be used at the minimum rate in units of one (1) hour.))

4.((6.)) The employee's department shall submit separate timerolls to reflect this action only after the Retirement System certifies the amount of disability indemnity payment, if any, for the period.

5.((7.)) Salary may be paid on regular timerolls and charged against the unused sick leave with pay credit balance during any period prior to the commencement of the determination of eligibility for disability indemnity payment without requiring a signed option by the employee.

6.((8.)) When an employee has used sick leave with pay credits and the Retirement System subsequently determines that the employee was entitled to disability indemnity payment for the period of absence, provision shall be made for adjusting the employee's sick leave with pay credit balance and for reimbursing the appropriate City fund for the amount of sick leave with pay credits charged and paid.

Additions are bold and underscored.

Deletions are CAPITALIZED and encased in ((DOUBLE PARENTHESES));

((9. AN EMPLOYEE WHO USED SUPPLEMENTAL DISABILITY CREDITS TO SUPPLEMENT DISABILITY INDEMNITY PAYMENTS SHALL, WHILE ON DISABILITY LEAVE, EARN SUPPLEMENTAL DISABILITY CREDITS AT THE SAME RATE AS SICK LEAVE WITH PAY CREDITS.))

((10. UPON RETURN TO DUTY, AN EMPLOYEE WHO HAS USED SUPPLEMENTAL DISABILITY CREDITS SHALL EARN SICK LEAVE WITH PAY CREDITS AT THE NORMAL RATE AND SHALL EARN SUPPLEMENTAL DISABILITY CREDITS AT TWICE THE RATE THAT SICK LEAVE WITH PAY CREDITS ARE EARNED UNTIL SUCH TIME AS THE TOTAL HOURS OF SUPPLEMENTAL DISABILITY CREDITS USED ARE REGAINED.))

((11. SHOULD AN EMPLOYEE SUFFER A RECURRENCE OR A NEW INJURY BEFORE ALL SUPPLEMENTAL DISABILITY CREDITS ARE REGAINED, THE SUPPLEMENTAL DISABILITY CREDIT BALANCE SHALL BE THAT BALANCE EXISTING AT THE BEGINNING OF THE PAY PERIOD IN WHICH THE RECURRENCE OR NEW INJURY OCCURS AND SHALL BE ADJUSTED FOR THE AMOUNT OF SUPPLEMENTAL DISABILITY CREDITS SUBSEQUENTLY EARNED AND SICK LEAVE WITH PAY CREDITS SUBSEQUENTLY USED.))

Additions are bold and underscored.

Deletions are CAPITALIZED and encased in ((DOUBLE PARENTHESES));

F. Use of Sick Leave with Pay Credits to Supplement State
Disability Insurance

1. Sick leave with pay credits shall be used to supplement State Disability Insurance (SDI) at the minimum rate in units of one (1) hour.

2. SDI payments to an employee who qualifies and who has accumulated and is eligible to use sick leave with pay credits shall be supplemented with sick leave with pay credits so that the total of SDI and sick leave with pay calculated in units of one-hour provides up to, but does not exceed, the regular ((GROSS)) net salary the employee would have received for the normal work schedule excluding overtime.

3. An employee who wishes not to supplement, or who wishes to supplement with compensatory time or vacation, must submit a written request on a form prescribed by the Human Resources Director to the appointing officer or designee within seven (7) calendar days following the first date of absence.

4. Employees who are supplementing SDI earn sick leave with pay credits at the normal rate only for those hours of sick leave with pay credits used.

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CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

Referred to
MEMORANDUM

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ALBERT C. WALKER
EXECUTIVE OFFICER

Date: July 22, 1994
To: Department Heads
Personnel Officers
Employee Organizations
From: Albert C. Walker
Executive Officer
SUBJECT: PROPOSED AMENDMENT TO THE CIVIL SERVICE COMMISSION RULES BY ADDING
NEW RULE 35 - RETURN-TO-WORK PROGRAMS

On July 18, 1994, the Civil Service Commission posted a proposed amendment to the Civil Service Commission Rules by adding a new Rule 35 - Return-to-Work Programs. A copy of proposed Civil Service Commission Rule 35 - Return-to-Work Programs is attached.

The intent of the Civil Service Commission in proposing this new Rule is to provide an enabling framework to establish the authority, policy and uniform standards for Return-to-Work Programs (RTW) for employees who have been injured on the job. This Civil Service Commission Rule will provide for both a Citywide RTW program and for supplemental departmental programs.

On July 18, 1994, the Civil Service Commission directed that these proposed amendments be forwarded to the Department of Human Resources - Employee Relations Division. The Employee Relations Division will coordinate meet and confer with employee organizations. Notice of meet and confer sessions will come directly from the Employee Relations Division.

Questions regarding this proposed new Rule amendments may be directed to me at 554-4747 or Kate Favetti, Assistant Executive Officer, at 554-4748.

CIVIL SERVICE COMMISSION
Albert C. Walker
Albert C. Walker
Executive Officer

Attachment

DRAFT OF PROPOSED CIVIL SERVICE COMMISSION RULE 35

RETURN-TO-WORK PROGRAMS

Section 35.01 PURPOSE OF RULE

Section 35.02 DEFINITIONS

Section 35.03 ADMINISTRATION OF RETURN-TO-WORK PROGRAMS -
RESPONSIBILITY OF HUMAN RESOURCES DIRECTOR

DRAFT OF PROPOSED CIVIL SERVICE COMMISSION RULE 35

RETURN-TO-WORK PROGRAMS

Section 35.01

PURPOSE OF RULE

- A. In adopting and promulgating this Rule, it is the intent of the Civil Service Commission to provide the authority for and to assign responsibility to the Human Resources Director to develop and implement a City-wide Return-to-Work Program. The Human Resources Director shall also have the responsibility of coordinating any supplemental Return-to-Work Program procedures sought by individual departments. The Return-to-Work Program, as contemplated by this Rule, shall provide for modified work assignments for employees who have sustained an occupational injury or illness to enable these employees to return to work as soon as possible consistent with their medical restrictions, as an alternative to remaining on leave during recovery from a temporary disability.
- B. This Rule does not preclude departments from offering modified duty assignment to employees who are temporarily disabled from a non-occupational injury or illness.

DRAFT OF PROPOSED CIVIL SERVICE COMMISSION RULE 35

RETURN-TO-WORK PROGRAMS

Section 35.02 DEFINITIONS

A. Occupational Injury or Illness

An occupational injury or illness is one that arises out of and occurs in the course of employment as defined by the State of California Labor Code.

B. Temporary Occupational Disability

An employee is temporarily disabled for the time following an injury or illness during which the employee:

- (1) is recovering from the effects of the injury/illness; and
- (2) is unable to perform his or her usual and customary job duties; and
- (3) is expected to recover or improve; and
- (4) has not been found to be a "Qualified Injured Worker" as defined by the State of California Labor Code.

C. Modified Work Assignment

The term "modified work assignment" as used in this Rule is defined as a temporary work assignment provided to an employee who cannot perform his or her usual and customary job duties as a result of an occupational injury or illness. A modified work assignment may be provided when an individual is recuperating from an occupational injury or illness. The assignment must comply with the employee's medical restrictions.

DRAFT OF PROPOSED CIVIL SERVICE COMMISSION RULE 35

RETURN-TO-WORK PROGRAMS

Section 35.02(C)(cont'd)

The following are examples of modified work assignments:

1. Temporary Job Restructuring - Duty Adjustment

The temporarily disabled employee may perform a majority of his or her usual and customary job duties. Certain job duties, however, which the employee is medically restricted from performing will either be performed temporarily by other employees or will be performed at a later date by the injured/ill employee.

2. Temporary Job Restructuring - Hours Adjustment

The temporarily disabled employee may perform his or her usual and customary job duties but for a reduced number of hours per week. For example, an employee may work a six (6)-hour shift instead of an eight (8)-hour shift. Such adjustment must be consistent with departmental needs. Employees will be compensated only for hours worked.

3. Temporary Assignment Outside of Class

The temporarily disabled employee may perform work outside of the normal duties of the class to which appointed. This work may be within the employee's regular work department or in a different department.

DRAFT OF PROPOSED CIVIL SERVICE COMMISSION RULE 35

RETURN-TO-WORK (RTW) PROGRAMS

Section 35.03

ADMINISTRATION OF RETURN-TO-WORK PROGRAMS - RESPONSIBILITY OF HUMAN RESOURCES DIRECTOR

A. City-wide Return-to-Work Program - General Provisions

1. It shall be the duty of the Human Resources Director to develop and promulgate a City-wide Return-to-Work Program within ninety (90) days of the effective date of this Rule.
2. The Program shall be available only to employees who have suffered an occupational injury or illness and who are anticipated to return to full duty following a period of recuperation.
3. Employees who are not eligible for this Program remain eligible for any benefits to which they would be entitled under relevant federal or state laws.
4. An employee's refusal to participate in a Return-to-Work Program may affect benefit eligibility.

B. City-wide Return-to-Work Program - Standards

The City-wide Return-to-Work Program is defined as a program which shall:

1. provide departments with procedures for identifying temporary modified work assignments, both within the department and in other departments, which might be available to occupationally injured or ill employees;

DRAFT OF PROPOSED CIVIL SERVICE COMMISSION RULE 35

RETURN-TO-WORK (RTH) PROGRAMS

Section 35.03(B)(cont'd)

2. provide that whenever possible the department shall give priority to modifying the employee's current position before considering temporary reassignment to another position;
3. provide that employees shall only be compensated for hours worked;
4. establish time limits for an employee to remain in a modified work assignment;
5. provide that, in all cases, employee participation in the Return-to-Work Program shall be reviewed every ninety (90) days;
6. provide for a dispute resolution procedure when an employee's request to participate in the Return-to-Work Program is denied;
7. conform to the provisions of this Rule and the procedures and other requirements imposed by the Human Resources Director.

DRAFT OF PROPOSED CIVIL SERVICE COMMISSION RULE 35

RETURN-TO-WORK (RTW) PROGRAMS

Section 35.03(C)(cont'd)

C. Departmental Return-to-Work Program

1. The Civil Service Commission recognizes that departments may have varying hours of public service, occupational standards or requirements for employees and other unique or specialized requirements. In order to provide for these unique elements, departments may create departmental Return-to-Work Programs in accordance with this Rule.
2. A Departmental Return-to-Work Program is defined as a program which conforms to the standards of the City-wide Return-to-Work Program as defined in this Rule, but which supplements the City-wide Program with procedures to account for the department's unique requirements.
3. A Departmental Return-to-Work Program may cover the employees of an individual department, a subdivision of a department or a group of departments.
4. It shall be the duty of the Human Resources Director to ensure that the departmental programs are coordinated with the City-wide program.
5. Prior to implementing a Departmental Return-to-Work Program, a department must:

DRAFT OF PROPOSED CIVIL SERVICE COMMISSION RULE 35

RETURN-TO-WORK (RTW) PROGRAMS

Section 35.03(C)(cont'd)

- a. receive approval from the Human Resources Director for such supplemental procedures. The Human Resources Director shall approve or disapprove all proposed supplemental procedures and all changes to such procedures within thirty (30) calendar days from the date of receipt. The Human Resources Director shall notify the department in writing of his or her decision and the reasons for the decision. Disapproval of proposed supplemental procedures shall be appealable to the Civil Service Commission; and
- b. receive approval from the Board or Commission or the elected or appointed official in charge of a department, or the Chief Administrative Officer for departments under that official.

D. Monitoring and Compliance of Return-to-Work Program

It shall be the duty of the Human Resources Director to:

1. insure compliance with the standards for the City-wide Return-to-Work Program and any supplemental Departmental Return-to-Work Program procedures;
2. monitor the implementation of all programs developed and approved under this Rule;

DRAFT OF PROPOSED CIVIL SERVICE COMMISSION RULE 35

RETURN-TO-WORK (RTW) PROGRAMS

Section 35.03(D)(cont'd)

3. report on a quarterly basis to the Mayor, the Board of Supervisors, and the Civil Service Commission on the status and effectiveness of the Return-to-Work Programs. The first such report shall be due three (3) months following the promulgation of the City-wide Return-to-Work Program.

**CIVIL SERVICE COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

MEMORANDUM

CSC NO. 95-19

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JUAN RIOS
COMMISSIONER

ALBERT C. WALKER
EXECUTIVE OFFICER

Date: **October 6, 1995**

To: Department Heads
Personnel Officers
Departmental Personnel Representatives

From: **Albert C. Walker**
Executive Officer

Subject: **PROPOSED AMENDMENTS TO THE PROBATIONARY PERIOD
PROVISIONS OF THE CIVIL SERVICE COMMISSION RULES**

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San Francisco, CA 94102

At its meeting of October 2, 1995, the Civil Service Commission had for its consideration proposed amendments to the probationary period provisions of the Civil Service Commission Rules. The Commission directed that the proposed Rules changes be posted; circulated to departmental staff for review and comment; and referred to the Department of Human Resources, Employee Relations Division (DHR/ERD), for completion of meet and confer obligations. The Commission has assigned a high priority to implementing these Rules changes and has asked me to convey the sense of urgency to the DHR/ERD.

The proposed changes affect the following Rules:

- Rule 6 - Separation Hearings and Procedures;
- Rule 6A - Dismissal During Probation Period (formerly Charter Section 8.340);
- Rule 16 - Probationary Period;
- Appendix Rule 6 - Separation Hearings and Procedures;
- Appendix Rule 6A - Dismissal During Probation Period (formerly Charter Section 8.340);
- Appendix Rule 16 - Probationary Period.

As you were advised in the September 28, 1995 memorandum entitled "The Probationary Period and its Administration" (CSC No. 95-17), the Civil Service Commission has jurisdiction over "probationary status and the administration of probationary periods, except duration" for employees covered under Charter Section 8.409-3 (most 'miscellaneous' employees); and that the Commission has complete jurisdiction, including the length of the probationary period, for employees covered under Charter Sections 8.403 (Registered Nurse classes) and 8.404 (Municipal Railway Drivers).

Attached is a copy of the proposed amendments to the various probationary period provisions of the Civil Service Commission Rules. The proposed amendments have the following impact on the administration of probationary periods for most City and County employees:

1. Comprehensive Probationary Period Rule

The proposal reallocates to Civil Service Commission Rule 16 - Probationary Period, all probationary period provisions of the Civil Service Commission Rules. Consequently, Rule 16 becomes a comprehensive rule that will cover most civil service employees of the City and County.

2. Non-Punitive and Non-Stigmatizing Probationary Period Separations

The proposal deletes from the Rules reference to negative and punitive transactions such as "termination" and "dismissal" during the probationary period, and substitutes for probationary employees who are simply not meeting the job standards, a non-punitive separation process called "release."

3. Entrance Versus Promotive Employees - "Retreat" Rights

The release provisions cover all employees, both "entrance" and "promotive." Additionally, provision is made for promotive employees to have certain rights to "retreat" or for "reversion" to a position in the class from which they promoted.

4. Disciplinary Separations

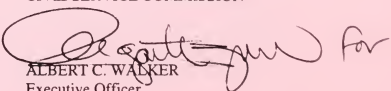
Provision is made for the release of employees for disciplinary reasons, including determination of future employability. Promotive employees separating for disciplinary reasons may be deprived of retreat rights.

5. Redefinition of Probationary Period

Since "duration" of the probationary period is now the subject of collective bargaining for most classes, some employee groups have negotiated probationary periods as short as 30 days. Therefore, to maximize the time available, the proposal calls for a redefinition - "definitions" are under the "carve-out" jurisdiction of the Civil Service Commission under Charter Section 8.409 - of the probationary period so that it becomes a period of time actually worked. Absences, including paid absences, will not count toward completion of the probationary period. Consequently, most extension provisions are recommended for deletion from the probationary period rules.

If you have any questions, require additional information, or have comments on these proposals, please call me or Margarita Zamora at (415) 554-4747.

CIVIL SERVICE COMMISSION


ALBERT C. WALKER
Executive Officer

Attachments

PROBATIONARY PERIOD

OUTLINE

- 16.01 Requirement for A Probationary Period
- 16.02 Definition of Probationary Period
- 16.03 Appointments Subject to the Probationary Period
- 16.04 Duration of Probationary Period
- 16.05 Extension of Probationary Period to Obtain License or Certificate
- 16.06 Credit for Probationary Period While on Leave
- 16.07 Successive Probationary Appointments
- 16.08 Report of Probationary Period
- 16.09 Voluntary Resumption of Probationary Status
- 16.10 Release of Employee During the Probationary Period
 - A. Authority and Procedures for Releasing of Probationary Employee
 - B. Release of Probationary Employee for Disciplinary Reasons
 - C. Reversion to Former Class - Released Promotive Probationary Employee

**PROPOSED AMENDMENT TO
CIVIL SERVICE COMMISSION
RULE 16**

PROBATIONARY PERIOD

Deletions are shown with a ~~strike through~~; additions are shown in UPPER CASE AND ARE UNDERSCORED.

**Section 16.01. REQUIREMENT FOR ~~AND PURPOSE OF THE~~ A
PROBATIONARY PERIOD**

A. Any person appointed to a permanent civil service position shall serve a probationary period.

B. Nothing in these provisions is intended to infringe upon or restrict the AUTHORITY ~~discretion of~~ AN appointing officers in RELEASING ~~terminating~~ a probationary employee as provided in these Rules.

~~C. The probationary period is the final and most important phase of the selection process and is to be used for evaluating the performance of the employee in the position to which appointed.~~

SECTION 16.02. DEFINITION OF PROBATIONARY PERIOD

THE PROBATIONARY PERIOD IS DEFINED AS:

A. THE FINAL AND MOST IMPORTANT PHASE OF THE
SELECTION PROCESS AND IS TO BE USED FOR EVALUATING
THE PERFORMANCE OF AN EMPLOYEE IN THE POSITION TO
WHICH APPOINTED; AND

B. A PERIOD OF REGULARLY SCHEDULED HOURS WORKED,
EXCLUDING ANY TIME OFF FOR LEAVE, VACATION, OTHER
TYPES OF TIME OFF, OR OVERTIME.

Section 16.03 2. APPOINTMENTS SUBJECT TO THE PROBATIONARY
PERIOD

A probationary period is required for all of the following types of
permanent appointments:

A. Appointment from an eligible list;

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**PROPOSED AMENDMENT TO
CIVIL SERVICE COMMISSION
RULE 16**

PROBATIONARY PERIOD

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EXCLUDING ANY TIME OFF FOR LEAVE, VACATION, OTHER
TYPES OF TIME OFF, OR OVERTIME.

Section 16.03 2. APPOINTMENTS SUBJECT TO THE PROBATIONARY
PERIOD

A probationary period is required for all of the following types of
permanent appointments:

A. Appointment from an eligible list;

- B. Appointment following layoff or involuntary leave when the appointment is to a class and/or department other than the one from which laid off or when a probationary period has not been previously served in the class and department;
- C. Appointments by transfer to the same class in another department, disability transfer, or transfer occasioned by reduction in force due to technological advances, automation, or the installation of new equipment;
- D. Reappointment of resignees;
- E. Reinstatement at the request of the employee to a permanent position in a former class in a department other than a department in which the probationary period had been completed in this former class;
- F. Advancement from a part-time position to a full-time position except if the employee had previously served a probationary period in a full-time position in the same class in the same department;
- G. Reversion by a promotive probationary employee to a position in a former class in which the probationary period has been completed,

except if the employee has previously served a probationary period in the same department in that class.

Section 16.04 3. DURATION OF PROBATIONARY PERIOD

A. EXCEPT AS PROVIDED BELOW AND UNLESS OTHERWISE PROVIDED IN A COLLECTIVE BARGAINING AGREEMENT OR BY ORDINANCE, The LENGTH OF THE probationary period shall be 1040 HOURS ~~six (6) months~~ of service.

B. THE PROBATIONARY PERIOD FOR EMPLOYEES COVERED UNDER CHARTER SECTION 8.403 - REGISTERED NURSES CLASSES, SHALL BE AS FOLLOWS:

1. STAFF NURSES - 1040 HOURS OF SERVICE

CLASS 2320 REGISTERED NURSE

CLASS 2323 CLINICAL NURSE SPECIALIST

CLASS 2328 NURSE PRACTITIONER

CLASS 2330 ANESTHETIST

CLASS 2340 OPERATING ROOM NURSE

CLASS 2830 PUBLIC HEALTH NURSE

2. SUPERVISORY AND MANAGEMENT NURSES - 2080

HOURS OF SERVICE

CLASS 2322 HEAD NURSE

CLASS 2324 NURSING SUPERVISOR

CLASS 2326 NURSING SUPERVISOR PSYCHIATRIC

CLASS 2342 HEAD NURSE, SURGERY

CLASS 2350 INSTRUCTOR OF NURSING

CLASS 2352 ASSISTANT DIRECTOR OF NURSING, STAFF

DEVELOPMENT AND RESEARCH

CLASS 2366 ASSISTANT DIRECTOR OF NURSES, LAGUNA

HONDA HOSPITAL

CLASS 2368 ASSISTANT DIRECTOR OF NURSES, SAN

FRANCISCO GENERAL HOSPITAL

CLASS 2369 DIRECTOR OF NURSING, LAGUNA HONDA

HOSPITAL

CLASS 2370 DIRECTOR OF NURSING, SAN FRANCISCO

GENERAL HOSPITAL

C. EXCEPT AS OTHERWISE PROVIDED IN A COLLECTIVE
BARGAINING AGREEMENT.

1. THE PROBATIONARY PERIOD FOR THE ENTRANCE
UNIFORMED RANK OF THE SAN FRANCISCO POLICE
DEPARTMENT SHALL BE COMPLETED AFTER TWELVE
(12) MONTHS' SERVICE FROM THE DAY FOLLOWING
COMPLETION OF THE PRESCRIBED DEPARTMENT FIELD
TRAINING OFFICER PROGRAM, BUT IN NO CASE TO
EXCEED EIGHTY-FOUR (84) WEEKS FROM THE DATE OF
APPOINTMENT.

2. PROBATIONARY MEMBERS OF THE UNIFORMED RANKS
OF THE POLICE DEPARTMENT CHARGED WITH BREACH
OF DUTY OR MISCONDUCT SHALL BE AFFORDED THE
PROCEDURAL RIGHTS SET FORTH IN CHARTER SECTION
8.343 FOR SUCH CHARGES.

D. EXCEPT AS OTHERWISE PROVIDED IN A COLLECTIVE
BARGAINING AGREEMENT, THE PROBATIONARY PERIOD
FOR ENTRANCE POSITIONS IN THE UNIFORMED RANKS OF
THE SAN FRANCISCO FIRE DEPARTMENT SHALL BE
TWELVE (12) MONTHS.

E. EXCEPT AS OTHERWISE PROVIDED IN A COLLECTIVE
BARGAINING AGREEMENT, THE PROBATIONARY PERIOD
FOR MEMBERS IN THE UNIFORMED RANKS OF THE SAN
FRANCISCO SHERIFF'S DEPARTMENT SHALL BE EIGHTEEN
(18) CALENDAR MONTHS.

F. EXCEPT AS OTHERWISE PROVIDED IN A COLLECTIVE BARGAINING AGREEMENT, THE PROBATIONARY PERIOD FOR THE UNIFORMED RANKS OF THE SHERIFF'S DEPARTMENT SHALL BE COMPLETED EIGHTEEN (18) CALENDAR MONTHS AFTER THE DATE OF HIRE. ALL PERIODS OF ABSENCE DUE TO DISABILITY LEAVE SHALL EXTEND THE PROBATIONARY PERIOD BY THE TOTAL TIME OF ABSENCE. IN NO OTHER CASE SHALL THE PROBATIONARY PERIOD BE EXTENDED BEYOND EIGHTEEN (18) CALENDAR MONTHS AFTER THE DATE OF HIRE.

G. EXCEPT AS OTHERWISE PROVIDED IN A COLLECTIVE BARGAINING AGREEMENT, THE PROBATIONARY PERIOD FOR ENTRANCE POSITIONS IN THE UNIFORMED RANKS OF THE SAN FRANCISCO INTERNATIONAL AIRPORT POLICE FORCE SHALL BE TWELVE (12) MONTHS.

~~B. An employee appointed through disability transfer as provided elsewhere in these Rules shall be required to serve a probationary period of the same duration applicable to the class to which transferred.~~

~~C. For an employee who returns to a permanent position following layoff, the probationary period shall be the same period normally applicable to the class to which the employee is appointed. However, for a permanent employee in holdover status, who was laid off during the probationary period and who is returning to the same department and class from which laid off, the employee need only serve the balance of the probationary period from which the layoff occurred.~~

H~~D~~. An appointing officer may credit as probationary time served, an employee's prior full-time service in a permanent position in the same class, excluding probationary time. Such credits shall not exceed one-half (1/2) of the required length of the probationary period.

I~~E~~. Appointing officers may credit periods of limited term transfer toward the completion of the probationary period as provided in the Transfer PROVISIONS OF THESE Rule~~S~~.

~~F. Probationary periods of 12 months and up to a maximum of 24 months may be established for professional, executive, and management classes.~~

Section 16.05 4. EXTENSION OF ~~THE~~ PROBATIONARY PERIOD TO OBTAIN
LICENSE OR CERTIFICATE

~~_____ A. Except as provided elsewhere in this section, all periods of unpaid authorized leave, except sick leave, all periods of unauthorized absence, and all periods of disciplinary suspension shall automatically extend the probationary period by the total time of the absence.~~

B. An appointing officer, with the approval of the Human Resources Director, may extend the probationary period of a probationary appointee for up to a maximum of twelve (12) calendar months in order to allow the employee time in which to obtain required licenses and/or certificates.

~~_____ C. All periods of sick leave, with or without pay, in excess of ten (10) working days per six (6) months of probationary period shall automatically extend the probationary period by the total time off in excess of ten (10) working days.~~

~~_____ D. For all appointees, periods of disability leave shall automatically extend the probationary period by the total time of the absence.~~

~~E. Regular civil service appointees in the School Districts shall have their probationary period calculated on the basis of actual service, excluding from such period of service, periods of non-service such as school vacation.~~

SECTION 16.06-F CREDIT FOR PROBATIONARY PERIOD WHILE ON LEAVE ~~Exceptions to Extensions:~~

- ~~1. Military leave, jury duty leave, and vacation leave granted during the probationary period shall not extend the probationary period.~~
2. Time served while on leave of absence to serve UNDER EXEMPT, TEMPORARY CIVIL SERVICE, OR PROVISIONAL APPOINTMENT ~~temporarily~~ under the same appointing officer in another class during the probationary period MAY ~~shall~~ be counted toward the completion of the probationary period for the class from which leave was granted. Appointing officers shall notify the Department of Human Resources in writing of such ~~temporary~~ appointments.

SECTION 16.07 G. SUCCESSIVE PROBATIONARY APPOINTMENTS

With the approval of the Human Resources Director, an appointing officer, with the concurrence of the employee, may renew the employee's probationary period. The Human Resources Director shall establish the administrative process and procedures for accomplishing such successive probationary appointments.

Section 16.085. REPORT OF PROBATIONARY PERIOD

The appointing officer shall notify the appointee and the Department of Human Resources on the prescribed form of the completion of an appointee's probationary period.

Section 16.096. VOLUNTARY RESUMPTION OF PROBATIONARY STATUS

When agreed upon by an appointing officer and an employee, ~~and with the approval of the Human Resources Director,~~ a permanent employee past the probationary period may voluntarily agree to serve a new probationary period in lieu of the department dismissing the employee. The duration of the resumed probationary period shall not exceed six (6) calendar months. During this resumed probationary period, should the employee fail to abide by the terms and conditions of the probationary period set by department, subsequent disciplinary action may be taken. This resumed probationary period is subject to all terms and conditions of a probationary period as provided elsewhere in these Rules.

SECTION 16.10. RELEASE OF EMPLOYEE DURING THE PROBATIONARY
PERIOD

A. AUTHORITY AND PROCEDURES FOR RELEASE OF
PROBATIONARY EMPLOYEE

1. AN EMPLOYEE MAY BE RELEASED BY THE APPOINTING
OFFICER AT ANY TIME DURING THE PROBATIONARY
PERIOD UPON WRITTEN NOTICE TO THE EMPLOYEE AND
THE HUMAN RESOURCES DIRECTOR.
2. CONSISTENT WITH THESE RULES AND SUBJECT TO THE
APPROVAL OF THE COMMISSION, THE HUMAN
RESOURCES DIRECTOR SHALL ESTABLISH AND
PROMULGATE PROCEDURES FOR ADMINISTERING AND
PROCESSING THE RELEASE OF PROBATIONARY
EMPLOYEES.

B. RELEASE OF PROBATIONARY EMPLOYEE FOR
DISCIPLINARY REASONS

1. IF THE RELEASE OF A PROBATIONARY EMPLOYEE IS
FOR DISCIPLINARY REASONS, A DETERMINATION OF
THE EMPLOYEE'S FUTURE EMPLOYABILITY SHALL BE
MADE AS PROVIDED IN THIS SECTION AND ELSEWHERE
IN THESE RULES.

2. THE DECISION ON FUTURE EMPLOYABILITY REACHED
THROUGH THE PROCEDURES ESTABLISHED UNDER
THESE RULES SHALL BE FINAL AND SHALL NOT BE
SUBJECT TO RECONSIDERATION.

3. CONSISTENT WITH THESE RULES AND SUBJECT TO THE
APPROVAL OF THE COMMISSION, THE EXECUTIVE
OFFICER SHALL ESTABLISH AND PROMULGATE THE
ADMINISTRATIVE PROCESS AND PROCEDURES
INCLUDING THE TIME FRAME FOR FILING REQUESTS
FOR FUTURE EMPLOYABILITY HEARINGS.

C. REVERSION TO FORMER CLASS - RELEASED PROMOTIVE
PROBATIONARY EMPLOYEE

1. EXCEPT IF THE RELEASE IS FOR DISCIPLINARY REASONS
AND SUBJECT TO APPROVAL OF THE HUMAN
RESOURCES DIRECTOR, AN EMPLOYEE RELEASED
DURING A PROMOTIVE PROBATIONARY PERIOD SHALL
REVERT TO A POSITION IN THE CLASS FROM WHICH
PROMOTED. IF NECESSARY, DISPLACEMENTS IN THE
FORMER CLASS SHALL OCCUR.

2. EXCEPT FOR REASONS BEYOND THE CONTROL OF THE
COMMISSION OR THE HUMAN RESOURCES DIRECTOR,
REVERSION OF A RELEASED PROMOTIVE
PROBATIONARY EMPLOYEE SHALL BE ACCOMPLISHED
NO LATER THAN THIRTY (30) DAYS FROM THE
EFFECTIVE DATE OF THE EMPLOYEE'S RELEASE.

RULE 16 APPENDIX

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CIVIL SERVICE COMMISSION

CHANGES

RULE 6 - SEPARATION HEARINGS AND PROCEDURES

Section 6.01 RULES OF PROCEDURE GOVERNING SEPARATION HEARINGS

DELETE SECTIONS: 6.01 (A) 2 and (A)3
RENUMBER SECTIONS: 6.01 (A) 4 to (A) 2

Section 6.04. PROCEDURE FOR TERMINATION OF ENTRANCE
PROBATIONARY EMPLOYEE

DELETED IN ITS ENTIRETY

Section 6.05. PROCEDURE FOR TERMINATION OF PROMOTIVE
PROBATIONARY EMPLOYEE

DELETED IN ITS ENTIRETY

RULE 6A - DISMISSAL DURING PROBATION PERIOD
(FORMERLY CHARTER SECTION 8.340)

DELETED IN ITS ENTIRETY

APPENDIX - RULE 6 - SEPARATION HEARINGS AND PROCEDURES

Appendix Section 6.01 RULES OF PROCEDURE GOVERNING SEPARATION
HEARINGS

DELETE SECTIONS: 6.01 (a) 3 and (a) 4
RENUMBER SECTIONS: 6.01 (a) 5 to (a) 3

Appendix Section 6.04. PROCEDURE FOR TERMINATION OF ENTRANCE
PROBATIONARY EMPLOYEE -

DELETED IN ITS ENTIRETY

Appendix Section 6.05. PROCEDURE FOR TERMINATION OF PROMOTIVE
PROBATIONARY EMPLOYEE

DELETED IN ITS ENTIRETY

APPENDIX RULE 6A - DISMISSAL DURING PROBATION PERIOD
(FORMERLY CHARTER SECTION 8.340)

DELETED IN ITS ENTIRETY



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

MEMORANDUM
CSC No. 96-04

KAREN CLOPTON
PRESIDENT

ADRIENNE PON
VICE PRESIDENT

GEORGE KOSTUROS
COMMISSIONER

A. LEE MUNSON
COMMISSIONER

JUAN RIOS
COMMISSIONER

ALBERT C. WALKER
EXECUTIVE OFFICER

Date: March 4, 1996

To: Department Heads
Departmental Personnel Officers
Departmental Personnel Representatives

From: Albert C. Walker
Executive Officer

SUBJECT: **Proposed amendment to the Civil Service Commission Rules (1996 Edition) by adding Section 13.2.3 - Expansion of Certification Rules, to Civil Service Commission Rule 13 - Certification of Eligibles, Article II - Certification Rules.**

DOCUMENTS DEPT.

MAR 11 1996

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At its meeting of March 4, 1996, the Civil Service Commission considered a proposed amendment to the Civil Service Commission Rules (1996 Edition) by adding Section 13.2.3 - Expansion of Certification Rules, to Civil Service Commission Rule 13 - Certification of Eligibles. Attached is a copy of the staff report to the Civil Service Commission on the proposed amendment. The staff report explains the scope and effect of the proposed change.

The Commission directed that the proposed change be posted; that it be circulated to the affected organizations for meet and confer; and that departments be notified of this proposed amendment to the Civil Service Commission Rules.

If there are any questions, please call either me or Margarita Zamora at 554-4747.

CIVIL SERVICE COMMISSION

Albert C. Walker
Executive Officer

Attachment



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

KAREN CLOPTON
PRESIDENT

ADRIENNE PON
VICE PRESIDENT

GEORGE KOSTUROS
COMMISSIONER

A. LEE MUNSON
COMMISSIONER

JUAN RIOS
COMMISSIONER

ALBERT C. WALKER
EXECUTIVE OFFICER

DATE: February 20, 1996
TO: Civil Service Commission
FROM: Albert C. Walker
Executive Officer
SUBJECT: Proposed amendment to the Civil Service Commission Rules (1996 Edition) by adding Section 13.2.3 - Expansion of Certification Rules, to Civil Service Commission Rule 13 - Certification of Eligibles, Article II - Certification Rules.

It is requested that Civil Service Commission post the attached proposed amendment to the Civil Service Commission Rules (1996 Edition) by adding Section 13.2.3 - Expansion of Certification Rules, to Civil Service Commission Rule 13 - Certification of Eligibles (Attachment A). Also attached is a chart summarizing the current applicability of the various certification rules (Attachment B). This proposed amendment if adopted may affect a number of classes in Group II of the chart.

As presently drafted, this proposed Rules change, if adopted, could potentially affect those classes represented by SEIU Locals 250, 535, and 790; Local 21 - IFPTE (except classes represented by SFAAP which are already covered by the broader certification rules); and the Transport Workers Union, Locals 200 and 250A. Excluded from coverage are classes in the uniformed ranks of the San Francisco Fire Department and the San Francisco Police Department (Locals 798 and 911, respectively); certification rules for the San Francisco Police Department and San Francisco Fire Department are currently covered by the terms of consent decrees.

Adoption of this proposed Rules change by the Civil Service Commission will not unilaterally impose broader certification rules upon any employee organization; but will, rather, add a measure of flexibility by providing a readily available and accessible mechanism for the Human Resources Director to enter quickly into an agreement with an employee organization to use broader certification rules on a situational, class-by-class, examination-by-examination, or a list-by-list basis. In the absence of the employee organization's concurrence and agreement, the minimum legally permissible certification principle of the Rule of Three Scores will continue to apply.

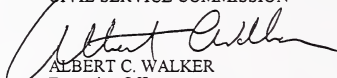
It is staff's intent in proposing this change to insure that the broader certification rules approved by the voters in November 1991 (Proposition D) are available for use when needed and if appropriate. This need up until now for the affected classes has been met by specific Rules changes which, unfortunately, are cumbersome, inflexible, unwieldy, and time consuming to develop and promulgate.

Built into this Rules change proposal is a "sunset clause" under which the section will automatically expire on December 31, 1996 unless extended by the Civil Service Commission. Experience during the period from adoption of this section will be evaluated to determine whether this Rules change in its proposed form or in a modified version should be extended or if some other approach should be explored.

RECOMMENDATION: Post for adoption. Circulate for meet and confer with the affected employee organizations; notify departments.

Respectfully,

CIVIL SERVICE COMMISSION



ALBERT C. WALKER
Executive Officer

Attachments

Attachment A - Proposed Amendment to Civil Service Commission Rule 13.

Attachment B - Summary of Applicability of Civil Service Commission Certification Rules.

Proposed Amendment to the Civil Service Commission Rules (1996 Edition) by adding Section 13.2.3 - Expansion of Certification Rules, to Civil Service Commission Rule 13 - Certification of Eligibles, Article II - Certification Rules.

(Additions are indicated by UPPER CASE AND ARE UNDERLINED)

SECTION 13.2.3 EXPANSION OF CERTIFICATION RULES

- 1) THIS SECTION SHALL NOT APPLY TO CLASSES IN THE UNIFORMED RANKS OF THE POLICE AND FIRE DEPARTMENTS.
- 2) NOTWITHSTANDING ANY OTHER PROVISIONS OF THESE RULES, THE HUMAN RESOURCES DIRECTOR IS AUTHORIZED TO MEET AND CONFER WITH REPRESENTATIVES OF EMPLOYEE ORGANIZATIONS TO REACH MUTUAL AGREEMENT OVER THE CERTIFICATION RULE APPLICABLE TO EACH OF THE CLASSES COVERED BY THIS ARTICLE.
- 3) THE AGREED-UPON CERTIFICATION RULE SHALL BE PROMULGATED AS A TERM OF THE EXAMINATION ANNOUNCEMENT AND SHALL NOT BE APPEALABLE TO THE CIVIL SERVICE COMMISSION.
- 4) THIS SECTION AS ADOPTED BY THE CIVIL SERVICE COMMISSION AT ITS MEETING OF _____ SHALL AUTOMATICALLY EXPIRE ON DECEMBER 31, 1996 UNLESS EXTENDED BY THE CIVIL SERVICE COMMISSION BEFORE JANUARY 31, 1997 FOR MAXIMUM ADDITIONAL PERIODS OF SIX MONTHS. PRIOR TO DECEMBER 31, 1996, THE HUMAN RESOURCES DIRECTOR SHALL REPORT TO THE CIVIL SERVICE COMMISSION ON THE OPERATION OF THIS SECTION AND MAY MAKE RECOMMENDATIONS FOR CHANGES AND EXTENSION.

**Summary of Applicability of Civil Service Commission
Certification Rules**

<u>Group I</u>	<u>Group II</u>
Rule 13 - Article III	Rule 13 - Article II
<u>Expanded Certification Rules currently apply</u>	<u>currently Rule of Three Scores only applies</u>
<ul style="list-style-type: none">- Crafts *- Municipal Executives Association- Personnel Series (SFAPP - Local 21)- Deputy Sheriffs *- Laborers *- Airport Police (Charter Section 8.590)- Any others not in Group II *	<ul style="list-style-type: none">- SEIU Locals- Local 21 (except SFAPP)- TWU, Locals 200 and 250A- Firefighters Local 798 (Charter Section 8.590)- Police Officers Association, Local 911 (Charter Section 8.590)
* Rule of Three Scores may apply exclusively to some classes	

Attachment B



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

MEMORANDUM

No. 96-07

DOCUMENTS DEPT.

APR 23 1996

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KAREN CLOPTON
PRESIDENT

Date: April 19, 1996

ADRIENNE PON
VICE PRESIDENT

To: Department Heads
Personnel Officers
Departmental Personnel Officer

GEORGE KOSTUROS
COMMISSIONER

From: Albert C. Walker
Executive Officer

A. LEE MUNSON
COMMISSIONER

SUBJECT: Proposed Amendment to the Civil Service Commission Rules to reflect changes required by the 1996 Charter:

JUAN RIOS
COMMISSIONER

**Proposed amendment to Civil Service Commission Rule 14 -
Appointments, by adding Article VII - Exempt Appointment;
Section 14.46 - Charter Limit on Certain Categories of Exempt
Appointments**

ALBERT C. WALKER
EXECUTIVE OFFICER

At its meeting of April 15, 1996, the Civil Service Commission had for its consideration a proposed amendment to the Civil Service Commission Rules regarding appointments exempt from civil service selection and removal procedures. This proposal would add Article VII - Exempt Appointment, Section 14.46 - Charter Limit on Certain Categories of Exempt Appointments, to Civil Service Commission Rule 14 - Appointments. A copy of both the proposed Rules change and the staff report explaining the necessity for the Rules modification as well as copies of the relevant provisions of the 1996 City and County Charter, which becomes operational on July 1, 1996, is attached.

The Civil Service Commission directed that the proposed amendment be posted, that departments be notified, and that the proposal be forwarded to the Employee Relations Division for circulation to employee organizations for meet and confer.

If there are questions, please call either me at 554-4747 or Margarita Zamora at 557-4947.

CIVIL SERVICE COMMISSION

Albert C. Walker
Executive Officer

ACW/sf
Attachment



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

Date: April 15, 1996

To: The Civil Service Commission

From: Albert C. Walker
Executive Officer

Subject: Proposed amendment to the Civil Service Commission Rules to reflect changes required by the 1996 Charter:

Proposed amendment to Civil Service Commission Rule 14 - Appointments, by adding Article VII - Exempt Appointment, Section 14.46 - Charter Limit on Certain Categories of Exempt Appointments.

Section 10.104 of the 1996 Charter (Attachment A) provides that all employments in the City and County government will be filled through the civil service examination process except those that it specifically excludes from this selection process.

Section 10.104 contains 19 categories of exempt appointments trifurcated into three groupings:

Group I: Charter Section 10.104-1 through 10.104-12

Group II: Charter Sections 10.104-13 through 10.104-15

Group III: Charter Sections 10.104-16 through 10.104-19

Group I has 12 categories of exemptions ranging from new authorizations (e.g., "all supervisory and policy-level positions within the office of the Mayor and the office of the City Administrator") to the continuation of many of the exemptions authorized by the 1932 Charter (e.g., Commission secretaries; department heads; members of boards and commissions; et al.).

Group II has three categories of exemptions continuing those allowed under the 1932 Charter (e.g., attorneys, most physicians and dentists; Retirement System actuary; Assistant Sheriff; et al.)

Group III relates to part-time, seasonal, temporary, substitute, and disabled exemptions and is a blend of both old and new exemptions with, in some cases, modifications to the 1932 Charter authorization.

The Rules amendment recommended in this report relates exclusively to implementing the provisions of Charter Section 10.104-1 through 10.104-12 (Group I) exemptions and fulfilling the requirement for promulgating a Rule imposed on the Civil Service Commission by section 10.104. Charter Section 10.104, in part, states that:

THIS DOCUMENT SUPPORTS

CALENDAR ITEM

50

"The proportion of full-time employees in . . . (Group I) . . . to the total number of civil service employees of the City and County shall not be greater than such proportion as existed on July 1, 1994, unless modified by Civil Service Commission Rule, approved by the Board of Supervisors."

The proposed amendment (Attachment B) to Civil Service Commission Rule 14 - Appointments, adding Section 14.46, provides a procedure for exceeding the Charter-imposed cap on Group I exemptions. This proposal provides for memorialization of the July 1, 1994 cap within the Rule itself. This memorialization is recommended as a means of permanently recording in a readily accessible location this legal baseline for future use and reference. The City Attorney concurs with the concept.

This proposal contemplates that positions in Group I up to the baseline figure will be designated by the Mayor and the Board of Supervisors as provided in 1996 Charter Section 18.109 - Exempt Positions (Attachment C). Positions nominated for exemption once this cap is reached will then be processed as proposed in Section 14.46, once this Rule is adopted by the Civil Service Commission and approved by the Board.

Positions in excess of the July 1 1994 baseline being processed for exemption from civil service under Section 14.46 must meet the following criteria:

1. The **express** approval of the Civil Service Commission;
2. Fall within one of the 12 categories of the Group I exemptions (Charter Section 10.104-1 through 10.104-12);
3. The position nominated for exemption shall not be occupied by a permanent civil service incumbent;
4. The Human Resources Director must recommend the exemption and certify that exemption will not affect a civil service incumbent;
5. The request for exemption must be made by an appointing officer or an elected official;
6. A request for exemption from a department under the City Administrator must be approved by that official; and,
7. There must be written justification provided specifying the reasons the position should be exempted.

Proposed Rules Section 14.46 also provides the nomination process, i.e., through the Human Resources Director to the Commission. The Human Resources Director's decision is appealable to the Civil Service Commission.

The function of determining the July 1, 1994 cap was assigned by the Civil Service Commission on February 5, 1996 to the Department of Human Resources. At the inaugural meeting of the Board of Supervisors' Select Committee on Oversight and Implementation of the new City Charter on February 29, 1996, the City Attorney advised the Committee that determination of the proportion of exempt employees to civil service employees on July 1, 1994 should be performed by the Department of Human Resources. This figure once determined will be inserted into the proposed Rule.

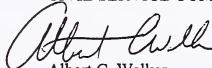
The City Attorney has advised that proposed Section 14.46 is subject to meet and confer. Therefore, the adoption process will generally be as follows:

- Post proposed Rules change (April 15, 1996)
- Notify departments
- Forward to the Department of Human Resources - Employee Relations Division
- Circulation to employee organizations
- Meet and confer with employee organizations
- Return to Civil Service Commission for adoption
- Adoption by Civil Service Commission
- Forward to Board of Supervisors
- Approval by Board of Supervisors (Committee hearing and two readings before full Board)
- To Mayor for signature
- Promulgation of Rules change

Recommendation: Post. Notify departments. Refer to the Employee Relations Division for circulation and for meet and confer with employee organizations.

Respectfully,

CIVIL SERVICE COMMISSION



Albert C. Walker
Executive Officer

Attachments

- A) 1996 Charter Section 10.104
- B) Proposed rules change adding Section 14.46
- C) 1996 Charter Section 18.109

Excerpt from the 1996 Charter of the City and County of San Francisco

Sec. 10.104 Exclusions from Civil Service appointment

All employees of the City and County shall be appointed through competitive examination unless exempted by this Charter. The following positions shall be exempt from competitive civil service selection, appointment and removal procedures, and the person serving in the position shall serve at the pleasure of the appointing authority:

1. All supervisory and policy-level positions within the office of the Mayor and the office of the City Administrator;
2. All elected officers of the City and County and their chief deputies or chief assistants;
3. All members of commissions, boards and advisory committees;
4. Not more than one commission secretary for each commission or board;
5. All heads of agencies and departments, unless otherwise provided for herein;
6. All non-uniformed deputy heads of departments;
7. All uniformed deputy heads of departments, police commanders and Fire Chief's aides;
8. Not more than one confidential secretary and executive assistant in each department and agency;
9. The Clerk of the Board of Supervisors, legislative analyst and assistants to the members of the Board of Supervisors.
10. All paraprofessional aides of the Unified School District and teaching instructional aides of the Community College District;
11. Persons employed in positions outside the City and County upon construction work being performed by the City and County when such positions are exempted from the classified civil service by an order of the Civil Service Commission;
12. Persons employed in positions in any department for expert professional temporary services, when such positions are exempted from said classified civil service for a specific period of said temporary service by order of the Civil Service Commission.

The proportion of full-time employees in the above-exempt categories to the total number of civil service employees of the City and County shall not be greater than such proportion as existed on July 1, 1994, unless modified by Civil Service Commission Rule, approved by the Board of Supervisors.

13. All attorneys, including an attorney to the Sheriff and an attorney for the Tax Collector, City Attorney's and District Attorney's investigators, hospital chief administrators, physicians and dentists serving in their professional capacity (except those physicians and dentists whose duties are significantly administrative or supervisory);
14. The law librarian, assistant law librarians, bookbinder of the Law Library, purchaser, curators, Assistant Sheriff, Deputy Port Director, Chief of the Bureau of Maritime Affairs, Director of Administration and Finance of the Port, Port Sales Manager, Port Traffic Manager, Chief Wharfinger, Port Commercial Property Manager, Actuary of the Employee's Retirement system, Director of the Zoo, Chief Veterinarian of the Zoo, Director of the Arboretum and Botanical Garden, Director of Employee Relations, Health Service Administrator, Executive Assistant to the Human Services Director, and any other positions designated as exempt under the 1932 Charter, as amended;
15. Positions determined by the Controller and approved annually by the Board of Supervisors to be positions where the work or services can be practically performed under private contract at a lesser cost than similar work performed by employees of the City and County, except where such work or services are required to be performed by officers or employees of the City and County under the provisions of this Charter or other applicable law.

In addition, with the approval of the Civil Service Commission, exempt employees shall include:

16. Temporary and seasonal appointments not to exceed to equivalent of half-time during any fiscal year, except that such positions may be filled through regular civil service procedures;
17. Appointments, which shall not exceed two years and shall not be renewable, as substitutes for civil service employees on leave, except that such positions may be filled through regular civil service procedures;
18. Appointments, which shall not exceed three years and shall not be renewable, for special projects and professional services with limited term fund, except that such positions may be filled through regular civil service procedures; and
19. Entry-level positions designated by an appointing officer with approval of the Civil Service Commission for persons who met minimum qualifications and are certified as blind or severely disabled; persons so appointed whose job performance is rated satisfactory by their appointing officer shall after one year of continuous service acquire civil serviced status.

Proposed amendment to Civil Service Commission Rule 14 - Appointment by adding Article VII - Exempt Appointment

The following section is new.

SEC. 14.46 CHARTER LIMIT ON CERTAIN CATEGORIES OF EXEMPT APPOINTMENTS

14.46.1 THE PROPORTION OF FULL-TIME EMPLOYEES IN THE EXEMPT CATEGORIES INCLUDED UNDER CHARTER SECTIONS 10.104-1 THROUGH 10.104-12 TO THE TOTAL NUMBER OF CIVIL SERVICE EMPLOYEES OF THE CITY AND COUNTY SHALL NOT BE GREATER THAN THE PROPORTION EXISTING ON JULY 1, 1994, EXCEPT AS AUTHORIZED IN THIS ARTICLE. AS CERTIFIED BY THE CIVIL SERVICE COMMISSION AT ITS MEETING OF _____, THIS PROPORTION ON JULY 1, 1994 WAS _____ TOTAL FULL-TIME EXEMPT EMPLOYEES TO _____ CITY AND COUNTY EMPLOYEES.

14.46.2 IN ACCORDANCE WITH CHARTER SECTION 10.104, THE CIVIL SERVICE COMMISSION MAY, BY EXPRESS APPROVAL, AUTHORIZE THAT FULL-TIME POSITIONS CONFORMING TO THE CRITERIA ESTABLISHED IN THIS SECTION IN THE CATEGORIES DEFINED IN CHARTER SECTIONS 10.104-1 THROUGH 10.104-12 IN EXCESS OF THE CHARTER LIMITATIONS BE EXCLUDED FROM CIVIL SERVICE SELECTION AND REMOVAL PROCEDURES AND FILLED THROUGH EXEMPT APPOINTMENT.

14.46.3 REQUESTS FOR EXEMPTION UNDER THIS SECTION MUST CONFORM TO THE FOLLOWING:

- 1) THE POSITION TO BE EXEMPTED MUST BE IN ONE OF THE CATEGORIES DEFINED IN CHARTER SECTIONS 10.104-1 THROUGH 10.104-12.**
- 2) THE ACTION OF EXEMPTING A PARTICULAR POSITION SHALL NOT DIRECTLY AFFECT THE CIVIL SERVICE RIGHTS OF AN INCUMBENT REGULARLY OCCUPYING SUCH POSITION ON A PERMANENT CIVIL SERVICE BASIS.**
- 3) THE HUMAN RESOURCES DIRECTOR RECOMMENDS THE EXEMPTION AND CERTIFIES THAT THE EXEMPTION ACTION SHALL NOT DIRECTLY AFFECT AN INCUMBENT CIVIL SERVICE APPOINTEE TO THE POSITION.**

4) THE REQUEST FOR EXEMPTION IS MADE AND APPROVED BY AN APPOINTING OFFICER OR AN ELECTED OFFICIAL; A REQUEST FROM A DEPARTMENT UNDER THE CITY ADMINISTRATOR MUST BE APPROVED BY THE CITY ADMINISTRATOR.

5) THE OFFICIAL MAKING THE REQUEST PROVIDES WRITTEN JUSTIFICATION AS TO THE REASONS THE POSITION SHOULD BE EXEMPTED.

14.46.4 AN APPOINTING OFFICER OR AN ELECTED OFFICIAL MAY SUBMIT A REQUEST TO EXEMPT A POSITION UNDER THIS SECTION TO THE CIVIL SERVICE COMMISSION THROUGH THE HUMAN RESOURCES DIRECTOR. THE HUMAN RESOURCES DIRECTOR SHALL ACT ON ALL REQUESTS WITHIN TWO WEEKS OF RECEIPT OF THE REQUEST. IF THE DIRECTOR RECOMMENDS APPROVAL, THE REQUEST SHALL BE TRANSMITTED TO THE CIVIL SERVICE COMMISSION FOR REVIEW AND ACTION; IF THE DIRECTOR DENIES A REQUEST, THE APPOINTING OFFICER SHALL BE NOTIFIED IN WRITING OF THE DENIAL AND THE REASONS FOR SUCH ACTION.

14.46.5 THE DECISION OF THE HUMAN RESOURCES DIRECTOR IS APPEALABLE TO THE CIVIL SERVICE COMMISSION WITHIN 30 CALENDAR DAYS OF THE DATE OF THE NOTICE OF DENIAL.

14.16.6 THIS SECTION AS ADOPTED BY THE CIVIL SERVICE COMMISSION AT ITS MEETING OF _____ WAS APPROVED BY THE BOARD OF SUPERVISORS ON _____ (ORDINANCE NUMBER _____).

Excerpt from the 1996 Charter of the City and County of San Francisco

Sec. 18.109 EXEMPT POSITIONS

The Board of Supervisors and the Mayor, through the budget for the fiscal year ending June 30, 1996, shall designate the positions exempt from civil service, within the categories provided in Article X of this Charter.



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

Reissued 12/29/96 DEPT.

MEMORANDUM CSC No. 96-16

DEC 11 1996

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San Francisco, CA 94102

KAREN CLOPTON
PRESIDENT

Date: December 3, 1996

ADRIENNE PON
VICE PRESIDENT

To: Department Heads
Personnel Officers
Personnel Representatives
Employee Organization Representative

GEORGE KOSTUROS
COMMISSIONER

From: Albert C. Walker
Executive Officer
Civil Service Commission

A. LEE MUNSON
COMMISSIONER

SUBJECT: Proposed Amendment to Civil Service Commission Rule 14 -
Appointments, Article VI - Appointment by Transfer, Section
14.35 - Transfers Occasioned by Reduction in Force Due to
Technological Advances, Automation, or the Installation of
New Equipment, by deleting the compensation restriction to
allow a maximum increase of five per cent (5%)

JUAN RIOS
COMMISSIONER

ALBERT C. WALKER
EXECUTIVE OFFICER

Civil Service Commission Rule 14 - Appointments, Article VI -
Appointment by Transfer, Section 14.35 - Transfers Occasioned by Reduction in
Force Due to Technological Advances, Automation, or the Installation of New
Equipment, allows an employee who is faced with layoff because of automation or
technological changes to transfer from a position in one class to a position in another
class as long as the new class pays the same or less than the employee's current class.
This type of transfer is commonly referred to as "automation transfer."

The Department of Public Health has requested that this section be amended to
allow automation transfers to positions in classes with a higher compensation
level.

The Civil Service Commission has reviewed the Department of Public
Health's request and the reasons for it and is proposing to amend the automation
transfer provision of its Rules to allow automation transfers to positions in classes
with up to a five per cent (5%) increase. The 5% rule-of-thumb has been a
general principle embodied in the status rights provisions of the Civil Service
Commission Rules for over 40 years. This concept has operated equitably both
for long-term employees facing reclassification as well as for other employees
seeking promotion through merit system examination. The Commission,
therefore, consistent with other provisions of its Rules, proposes to place a 5%
increase cap on automation transfers to higher-paying classes.

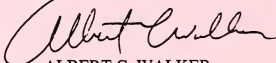
A copy of the proposed change to Civil Service Commission Rule 14,
Article VI, Section 14.35, is attached.

Page 2

Requests to meet and confer or consult must be in writing and received in the Civil Service Commission office by close of business Friday, December 20, 1996.

Please call me at 554-4747, if there are questions about this proposed change.

CIVIL SERVICE COMMISSION

A handwritten signature in black ink, appearing to read "Albert C. Walker", written in a cursive style.

ALBERT C. WALKER
Executive Officer

Attachment

Additions are CAPITALIZED AND UNDERLINED; deletions are shown in ((DOUBLE BRACKETS AND ARE UNDERLINED)).

Sec. 14.35 **Transfers Occasioned by Reduction of Force Due to Technological Advances, Automation, or the Installation of New Equipment**

Permanent civil service employees who have completed their probationary period and who are subject to layoff because of technological advances, automation, the installation of new equipment, or the transfer of functions to another jurisdiction may submit a request to the Human Resources Director for transfer to a position within their capacities to perform, whether or not within the class for which they qualified for appointment. Such request for transfer shall be subject to the following:

- 14.35.1 Request for transfer shall be submitted on the form prescribed by the Human Resources Director and shall be approved by the appointing officer or designee of the department to which transfer is requested.
- 14.35.2 The position to which transfer is requested shall not be to a class WITH MORE THAN A FIVE PERCENT (5%) INCREASE IN COMPENSATION ((having a higher compensation schedule than the one from which transfer is requested)).
- 14.35.3 The Human Resources Director may administer any examinations which, in the judgment of the Human Resources Director, are deemed advisable to test the capacity of the employee to perform the duties in the position to which transfer is requested, unless the transfer is to a position in the same class or a closely related class.
- 14.35.4 Employees so transferred, who are not suited to the position, may be given an opportunity for further transfer to other positions within their capacities to perform.
- 14.35.5 In the event of layoff of an appointee who occupies a position through transfer under the provisions of this section, such layoff shall be in accordance with the applicable provisions of the Layoff Rule. Seniority shall be calculated from the date of certification in the class from which transferred.





CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

MEMORANDUM
CSC No. 97-09

DOCUMENTS DEPT.

OCT 28 1997

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Main Library, Civic Center
Attn: Kate Wingerson
Box 41-(RL)-(34 Copies) 1 copy rec'd

Date: October 24, 1997

To: Department Heads
Departmental Personnel Officers
Personnel Representatives
Employee Organization Representatives

From: Albert C. Walker
Executive Officer, Civil Service Commission

Subject: Proposed Amendments to the Civil Service Commission Rules
to Implement the Employment Provisions of the Americans with
Disabilities Act

Attached is a copy of proposed amendments to the Civil Service Commission Rules to implement the employment provisions of the Americans with Disabilities Act:

Proposed Amendments to Civil Service Commission Rule 15

- Retitle Rule 15 from "Exempt Employment of Individuals Who are Severely Disabled" to "Rules Related to the Employment of Persons with Disabilities."
- Except for current Section 15.11 - Resolution of Disputes, allocate existing title and language of Rule 15, without change, to newly-created Article I - Exempt Employment of Persons with Severe Disabilities.
- Add Article II to Rule 15 - Rules Related to Employment Provisions of the Americans With Disabilities Act. All language is new.
- Add Article III to Rule 15 by relocating current Section 15.11 - Resolution of Disputes, to this newly-created Article.

Proposed Amendment to Civil Service Commission Rule 14

- Amend Article VI - Appointment by Transfer, of Civil Service Commission Rule 14 - Appointments, by deleting in its entirety Section 14.34 - Transfer of Disabled. Proposed Civil Service Commission Rule 15, Article II, will replace current Civil Service Commission Rule 14, Section 14.34 - Transfer of Disabled.

The purpose of these proposed Rules changes is to further the ability of the City and County of San Francisco to make reasonable accommodation for an employee covered by the Americans With Disabilities Act. New Article II of Rule 15 provides that when the employee's department is unable to reasonably accommodate the employee, the City and County will make reasonable efforts to place the employee in another position in the same or another class.

Requests to meet and confer by recognized employee organizations or requests to consult by other parties on these proposed Rules changes must be submitted in writing to:

Gene D. Rucker, Commission Labor Negotiator
Civil Service Commission
25 Van Ness, Suite 720
San Francisco, CA 94102

Requests may be sent by fax to (415) 252-3260. Mailed or faxed requests to meet must include the name and telephone number of a contact person and must be received no later than November 14, 1997.

In the event that impasse is reached on the proposed Rules changes, the Commission will follow the impasse procedure of the Meyers-Milias-Brown Act, Government Code Section 3502.2 - Mediation, which provides that: "If after a reasonable period of time, representatives of the public agency and the recognized employee organization fail to reach agreement, the public agency and the recognized employee organization or recognized employee organizations together may agree upon the appointment of a mediator mutually agreeable to the parties. Costs of mediation shall be divided one-half to the public agency and one-half to the recognized employee organization or recognized employee organizations."

If there are questions, please call Gene Rucker, Commission Labor Negotiator, at 252-3247.

CIVIL SERVICE COMMISSION



ALBERT C. WALKER
Executive Officer

Attachment

Additions are shown in UPPERCASE AND ARE UNDERLINED; deletions are indicated by ~~strikeout~~.

Rule 15
~~Exempt Employment of Individuals~~
~~Who are Severely Disabled~~
RULES RELATED TO THE EMPLOYMENT OF
PERSONS WITH DISABILITIES

Applicability: Unless otherwise noted, the provisions of Rule 15 apply to employees in all classes.

ARTICLE I: EXEMPT EMPLOYMENT OF INDIVIDUALS WHO ARE
SEVERELY DISABLED

Sec. 15.1 **Rule Prescribed - Authority - Purpose**

Sec. 15.2 **Designated Positions**

Sec. 15.3 **Definition and Certification of Individuals Who are Severely Disabled**

Sec. 15.4 **Appraisal of Qualifications**

Sec. 15.5 **Referral of the Individual Who is Severely Disabled to the Department**

Sec. 15.6 **Appointment and Evaluation Period**

Sec. 15.7 **Performance Appraisal During Evaluation Period**

Sec. 15.8 **Termination During Evaluation Period**

Sec. 15.9 **Advancement to Permanent Civil Service Status**

Sec. 15.10 **Computation of Seniority for Individuals Who are Severely Disabled**

Sec. 15.11 **Resolution of Disputes**

Additions are shown in UPPERCASE AND ARE UNDERLINED; deletions are indicated by ~~strikeout~~.

APPLICABILITY: UNLESS OTHERWISE NOTED, THE PROVISIONS OF RULE 15 APPLY TO EMPLOYEES IN ALL CLASSES.

ARTICLE II: RULES RELATED TO THE AMERICANS WITH DISABILITIES ACT

SEC. 15.11 RULE PRESCRIBED - AUTHORITY - PURPOSE

SEC. 15.12 PROCEDURES

SEC. 15.13 PLACEMENT

SEC. 15.14 CERTIFICATION AND APPOINTMENT

SEC. 15.15 PROBATIONARY PERIOD

SEC. 15.16 SENIORITY

SEC. 15.17 SEPARATION OF PERSONS APPOINTED UNDER THIS RULE

ARTICLE III: RESOLUTION OF DISPUTES

SEC. 15.18 RESOLUTION OF DISPUTES

Additions are shown in UPPERCASE AND ARE UNDERLINED; deletions are indicated by ~~strikeout~~.

Rule 15
~~Exempt Employment of Individuals~~
~~Who are Severely Disabled~~
RULES RELATED TO THE EMPLOYMENT OF
PERSONS WITH DISABILITIES

Applicability: Unless otherwise noted, the provisions of Rule 15 apply to employees in all classes.

ARTICLE I: EXEMPT EMPLOYMENT OF INDIVIDUALS
WHO ARE SEVERELY DISABLED

Sec. 15.1 **Rule Prescribed - Authority - Purpose**

- 15.1.1** In accordance with Charter Section 8.300(a)(6), the Civil Service Commission does prescribe and adopt this Rule which shall have the force and effect of law to implement the Charter provision and to provide an orderly and effective process for the exempt employment and advancement to permanent civil service status of individuals who are severely disabled under the terms and conditions authorized by the Charter.
- 15.1.2** This Rule is not intended to preclude or in any way inhibit the employment of individuals who are severely disabled through the regular examination process or from provisional appointment as provided elsewhere in these Rules.

Sec. 15.2 **Designated Positions**

- 15.2.1** An appointing officer or authorized representative may identify entry-level positions in the department for the appointment of individuals who are severely disabled and thereupon notify the Human Resources Director in writing of the positions so identified.
- 15.2.2** Such positions, when approved by the Human Resources Director shall be designated for the employment of individuals who are severely disabled and shall hereinafter be known as a "designated position."
- 15.2.3** With the approval of the Human Resources Director, the appointing officer or authorized representative may rescind such designation at any time prior to the appointment of an individual pursuant to this Rule. When a designated position becomes vacant, the appointing officer may continue or cancel such designation.

VERBATIM — NO CHANGE THIS PAGE

Additions are shown in UPPERCASE AND ARE UNDERLINED; deletions are indicated by ~~strikeout~~.

Applicability: Unless otherwise noted, the provisions of Rule 15 apply to employees in all classes.

Sec. 15.3 **Definition and Certification of Individuals Who are Severely Disabled**

- 15.3.1** Persons eligible for employment in designated positions shall be subject to certification by either the State of California Department of Rehabilitation or Veterans Administration as individuals who are severely disabled in accordance with the standards and criteria established by the State of California Department of Rehabilitation for such purpose.
- 15.3.2** Such standards and criteria and any changes thereto used for the certification of individuals who are severely disabled to positions in the City and County Service are subject to the acceptance and approval of the Human Resources Director.
- 15.3.3** A copy of the standards and criteria used for the certification of individuals who are severely disabled shall be available for public inspection during regular business hours in the Department of Human Resources office.

Sec. 15.4 **Appraisal of Qualifications**

- 15.4.1** All candidates for designated positions shall meet the minimum qualifications applicable to the class and shall be able to perform the essential functions of the position after reasonable accommodation is made for the disability.
- 15.4.2** The Human Resources Director shall establish procedures for the appraisal of the qualifications of all persons certified for employment pursuant to this Rule.
- 15.4.3** For the purpose of this Rule, the provisions of the last examination announcement or the class specification, whichever is more recent, shall guide the Human Resources Director in determining minimum qualifications.
- 15.4.4** The Human Resources Director may administer job-related tests and/or obtain such supplemental information as is deemed appropriate in order to appraise the qualifications of candidates certified for consideration under this Rule.

Sec. 15.5 **Referral of the Individual Who is Severely Disabled to the Department**

- 15.5.1** When there is a vacant requisition for a designated position, the Human Resources Director will refer to the Department for consideration those candidates who meet the specified terms and conditions.

VERBATIM — NO CHANGE THIS PAGE

Additions are shown in UPPERCASE AND ARE UNDERLINED; deletions are indicated by ~~strikeout~~.

Applicability: Unless otherwise noted, the provisions of Rule 15 apply to employees in all classes.

Sec. 15.5 Referral of the Individual Who is Severely Disabled to the Department. (Con't)

- 15.5.2** The candidate and the authorized departmental representative shall each advise the Human Resources Director of their assessment of the position under consideration. The decision by the candidate to refuse the position or by the department to reject a candidate shall be final and is not subject to appeal except as provided under the anti-discrimination provisions of Charter Section 3.661(c) and these Rules.

Sec. 15.6 Appointment and Evaluation Period

- 15.6.1** A candidate selected for appointment under this Rule shall be a permanent exempt appointee subject to the one-year evaluation period prescribed by Charter.
- 15.6.2** The provisions found elsewhere in these Rules governing the extension of the probationary period for regular civil service appointees shall be applicable to the one-year evaluation period.
- 15.6.3** The evaluation period is the critical phase of the selection process and shall be used as a trial period in order to determine the ability of individuals who are severely disabled to perform the assigned duties of the position to which appointed.

Sec. 15.7 Performance Appraisal During Evaluation Period

In accordance with existing procedures of the performance appraisal system, performance appraisal reports shall be written during the evaluation period by the immediate supervisor of individuals who are severely disabled according to the following schedule:

- 1) at the end of the first three months;
- 2) at the end of the sixth month covering the fourth through the sixth month; and
- 3) at the end of the eleventh month covering the seventh through the eleventh month.

VERBATIM — NO CHANGE THIS PAGE

Additions are shown in UPPERCASE AND ARE UNDERLINED; deletions are indicated by ~~strikeout~~.

Applicability: Unless otherwise noted, the provisions of Rule 15 apply to employees in all classes.

Sec. 15.8 Termination During Evaluation Period

- 15.8.1** Consistent with Charter authority governing the employment of individuals exempt from the civil service provisions thereof, during the evaluation period, individuals appointed under this Rule serve at the discretion of the appointing officer.
- 15.8.2** At any time during the evaluation period, the appointing officer may terminate the appointee by giving written notice to the individual and to the Human Resources Director specifying the reasons therefor. The decision of the appointing officer shall be final and is not subject to appeal except as provided under the anti-discrimination provisions of Charter Section 3.66l(c) and these Rules.

Sec. 15.9 Advancement to Permanent Civil Service Status

- 15.9.1** The appointing officer shall, in accordance with procedures prescribed by the Human Resources Director, notify the Human Resources Director, in writing, of the completion of the evaluation period and shall certify satisfactory job performance during the evaluation period in order to advance the individual who is severely disabled to permanent civil service status.
- 15.9.2** Upon advancement to permanent civil service status, appointees shall not be required to serve a probationary period and shall acquire all the rights of a regular civil service appointee who has completed the probationary period.

Sec. 15.10 Computation of Seniority for Individuals Who are Severely Disabled

Notwithstanding any other provisions of these Rules:

- 1)** Seniority for the purpose of layoff shall be calculated from the date an individual who is severely disabled began to work in an exempt status in the designated position in a class in a department.
- 2)** During the evaluation period, individuals appointed pursuant to this Rule shall be compared with and ranked for retention purposes the same as probationary civil service appointees.
- 3)** Seniority accrued by an individual who is severely disabled in a class and department during the evaluation period shall be carried forward upon advancement to permanent civil service status in the same class and department.
- 4)** Seniority in the event of a tie shall be determined by the appointing officer, whose decision is final.

VERBATIM — NO CHANGE THIS PAGE

Additions are shown in UPPERCASE AND ARE UNDERLINED; deletions are indicated by ~~strikeout~~.

Applicability: Unless otherwise noted, the provisions of Rule 15 apply to employees in all classes.

~~**Sec. 15.11**~~ **Resolution of Disputes (Relocated to new Article III of this Rule, Page L)**

~~A dispute concerning the application, implementation or interpretation of this Rule shall be decided by the Human Resources Director, subject to reconsideration by the Commission as provided elsewhere in these Rules.~~

**THIS SECTION HAS BEEN RELOCATED TO NEW ARTICLE III,
WITH NO CHANGE IN LANGUAGE**

Additions are shown in UPPERCASE AND ARE UNDERLINED; deletions are indicated by ~~strikeout~~.

Rule 15

RULES RELATED TO THE EMPLOYMENT OF PERSONS WITH DISABILITIES

ARTICLE II: RULES RELATED TO THE EMPLOYMENT PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT

APPLICABILITY: UNLESS OTHERWISE NOTED, THE PROVISIONS OF RULE 15 APPLY TO
EMPLOYEES IN ALL CLASSES.

SEC. 15.11 RULE PRESCRIBED - AUTHORITY - PURPOSE

15.11.1 NOTWITHSTANDING ANY OTHER PROVISIONS OF THESE RULES, THE CIVIL
SERVICE COMMISSION DOES PRESCRIBE AND ADOPT ARTICLE II OF RULE
15 TO ENABLE IMPLEMENTATION OF CERTAIN EMPLOYMENT PROVISIONS
OF THE AMERICANS WITH DISABILITIES ACT (ADA).

15.11.2 IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT,
QUALIFIED INDIVIDUALS WITH DISABILITIES SHALL HAVE EQUAL
OPPORTUNITY IN ALL ASPECTS OF EMPLOYMENT. A CURRENT EMPLOYEE
WHO IS A QUALIFIED INDIVIDUAL WITH A DISABILITY AND WHO CANNOT
BE REASONABLY ACCOMMODATED IN THE EMPLOYEE'S CURRENT CLASS
AND DEPARTMENT MAY BE APPOINTED TO A POSITION IN ANOTHER
CLASS OR ANOTHER DEPARTMENT.

ALL LANGUAGE IS NEW

Additions are shown in UPPERCASE AND ARE UNDERLINED; deletions are indicated by ~~strikeout~~.

APPLICABILITY: UNLESS OTHERWISE NOTED, THE PROVISIONS OF RULE 15 APPLY TO EMPLOYEES IN ALL CLASSES.

SEC. 15.12 PROCEDURES

15.12.1 THE HUMAN RESOURCES DIRECTOR SHALL ESTABLISH PROCEDURES CONSISTENT WITH THE ADA FOR THE APPOINTMENT OF A CURRENT EMPLOYEE WHO IS A QUALIFIED INDIVIDUAL WITH A DISABILITY AND CANNOT BE REASONABLY ACCOMMODATED IN THE EMPLOYEE'S CURRENT CLASS AND DEPARTMENT. SUCH PROCEDURES SHALL BE IN WRITING AND SHALL BE AVAILABLE FOR INSPECTION IN THE CIVIL SERVICE COMMISSION OFFICE AND AT THE DEPARTMENT OF HUMAN RESOURCES.

15.12.2 REASONABLE ATTEMPT SHALL BE MADE BY THE EMPLOYEE'S CURRENT DEPARTMENT TO ACCOMMODATE THE EMPLOYEE. IF AN ACCOMMODATION CANNOT BE MADE, THE DEPARTMENT SHALL REFER THE EMPLOYEE TO THE DEPARTMENT OF HUMAN RESOURCES TO SEARCH FOR ANOTHER POSITION FOR THE EMPLOYEE. THE SEARCH SHALL BE CONDUCTED FOR NO MORE THAN THIRTY (30) DAYS FROM THE DATE THAT THE FORMS PRESCRIBED BY THE HUMAN RESOURCES DIRECTOR ARE COMPLETED AND RECEIVED IN THE DEPARTMENT OF HUMAN RESOURCES FROM THE EMPLOYEE'S DEPARTMENT.

ALL LANGUAGE IS NEW

Additions are shown in UPPERCASE AND ARE UNDERLINED; deletions are indicated by ~~strikeout~~.

APPLICABILITY: UNLESS OTHERWISE NOTED, THE PROVISIONS OF RULE 15 APPLY TO EMPLOYEES IN ALL CLASSES.

SEC. 15.13 **PLACEMENT**

- 15.13.1 THE HUMAN RESOURCES DIRECTOR SHALL DETERMINE THE PRIORITY FOR PROCESSING REQUESTS MADE UNDER THIS RULE.
- 15.13.2 PLACEMENT SHALL BE MADE ONLY TO AN UNFILLED VACANT POSITION.
- 15.13.3 PLACEMENT SHALL BE MADE ONLY TO A POSITION FOR WHICH THE APPLICANT MEETS THE QUALIFICATIONS OF THE POSITION AND CAN PERFORM THE ESSENTIAL FUNCTIONS OF THE POSITION, WITH OR WITHOUT REASONABLE ACCOMMODATION.
- 15.13.4 PLACEMENT SHALL BE MADE ONLY TO A POSITION FOR WHICH THE NEAREST SALARY STEP DOES NOT EXCEED FIVE PERCENT (5%) IN EXCESS OF THE EMPLOYEE'S CURRENT ACTUAL SALARY.

SEC. 15.14 **CERTIFICATION AND APPOINTMENT**

- 15.14.1 CERTIFICATION AND PERMANENT APPOINTMENT UNDER THIS RULE SHALL BE MADE UNDER THE RULE OF ONE. PROVISIONAL APPOINTMENTS SHALL BE DIRECTED BY THE HUMAN RESOURCES DIRECTOR UNDER THE AUTHORITY OF THE ADA AND CSC RULE 14.

ALL LANGUAGE IS NEW

Additions are shown in UPPERCASE AND ARE UNDERLINED; deletions are indicated by ~~strikeout~~.

APPLICABILITY: UNLESS OTHERWISE NOTED, THE PROVISIONS OF RULE 15 APPLY TO EMPLOYEES IN ALL CLASSES.

15.14.2 INDIVIDUALS WITH PERMANENT CIVIL SERVICE STATUS IN THE FORMER CLASS WHO HAVE COMPLETED A PROBATIONARY PERIOD SHALL HAVE PRIORITY OVER ELIGIBLES ON EXISTING ELIGIBLE LISTS.

15.14.3 PERMANENT CIVIL SERVICE STATUS SHALL BE GRANTED IN THE NEW CLASS OR DEPARTMENT (IF THE POSITION OF THE NEW CLASS CAN BE FILLED ON A PERMANENT BASIS AND) WHEN THE EMPLOYEE HAS PERMANENT CIVIL SERVICE STATUS AND COMPLETED THE PROBATIONARY PERIOD IN THE FORMER CLASS AND SHALL COMPLETE A NEW PROBATIONARY PERIOD IN THE NEW CLASS OR DEPARTMENT.

15.14.4 PERSONS SERVING UNDER TEMPORARY OR PROVISIONAL APPOINTMENT SHALL ACQUIRE NO RIGHT TO PERMANENT CIVIL SERVICE STATUS THROUGH THIS RULE.

ALL LANGUAGE IS NEW

Additions are shown in UPPERCASE AND ARE UNDERLINED; deletions are indicated by ~~strikeout~~.

APPLICABILITY: UNLESS OTHERWISE NOTED, THE PROVISIONS OF RULE 15 APPLY TO EMPLOYEES IN ALL CLASSES.

SEC. 15.15 **PROBATIONARY PERIOD**

15.15.1 PERMANENT EMPLOYEES APPOINTED UNDER THIS ARTICLE SHALL SERVE A PROBATIONARY PERIOD.

15.15.2 THE LENGTH OF THE PROBATIONARY PERIOD SHALL BE AS PROVIDED IN THE PERTINENT COLLECTIVE BARGAINING AGREEMENT OR ORDINANCE.

SEC. 15.16 **SENIORITY**

SENIORITY FOR EMPLOYEES WHO ARE APPOINTED PERMANENT AS PROVIDED IN THIS ARTICLE SHALL BE CALCULATED FROM THE DATE OF CERTIFICATION FOR PERMANENT APPOINTMENT IN THE PRIOR CLASS.

SEC. 15.17 **SEPARATION OF PERSONS APPOINTED UNDER THIS RULE**

THE SEPARATION OF PERSONS APPOINTED UNDER THIS RULE SHALL BE GOVERNED BY THE LEGALLY APPLICABLE PROVISIONS FOUND ELSEWHERE EITHER IN THESE RULES OR IN A COLLECTIVE BARGAINING AGREEMENT OR ORDINANCE.

ALL LANGUAGE IS NEW

Additions are shown in UPPERCASE AND ARE UNDERLINED; deletions are indicated by ~~strikeout~~.

Rule 15

RULES RELATED TO THE EMPLOYMENT OF PERSONS WITH DISABILITIES

ARTICLE III: RESOLUTION OF DISPUTES

APPLICABILITY: UNLESS OTHERWISE NOTED, THE PROVISIONS OF RULE 15 APPLY TO
EMPLOYEES IN ALL CLASSES.

SEC. 15.18 RESOLUTION OF DISPUTES

A DISPUTE CONCERNING THE APPLICATION, IMPLEMENTATION, OR
INTERPRETATION OF THIS RULE SHALL BE DECIDED BY THE HUMAN
RESOURCES DIRECTOR, SUBJECT TO RECONSIDERATION BY THE
COMMISSION AS PROVIDED ELSEWHERE IN THESE RULES.

Relocated from Rule 15, Section 15.11

Additions are shown in UPPERCASE AND ARE UNDERLINED; deletions are indicated by ~~strikeout~~.

Applicability: Unless otherwise noted, the provisions of Article VI, Rule 14, apply to employees in all classes.

Sec. 14.34 — Transfer of Disabled

14.34.1 Request Form Prescribed

~~A disability transfer request shall be submitted to the Department of Human Resources on the form prescribed by the Human Resources Director.~~

14.34.2 Certification by Designated Physician

~~A physician designated by the Human Resources Director, pursuant to the Rule on medical examinations, shall certify on such form that the employee, because of disability, is unable to perform the duties of his or her present position but may perform the duties of the position to which transfer is requested.~~

14.34.3 Action by the Human Resources Director and Appeal of Decision

~~1) The disability transfer request shall be subject to the approval of the Human Resources Director.~~

~~2) In effecting a disability transfer, the Human Resources Director shall consider the employee's skills, education and experience and shall make every attempt to place the employee in a position with a salary as close as possible to the salary the employee is receiving in the class from which transferring.~~

~~3) In evaluating the employee for a particular position, the Human Resources Director shall refer the employee to the department prior to certification. Both the employee and the department will advise the Human Resources Director of their assessment of the position under consideration for the employee. The decision of the Human Resources Director shall be final unless within five days of the decision to certify the employee to the department, either the employee or the department appeals to the Commission.~~

Sec. 14.34.4 Priority of Requests

~~In the event of more than one disability transfer request filed for the same position, the request with the earlier filing time in the Department of Human Resources shall be offered available appointment.~~

Additions are shown in UPPERCASE AND ARE UNDERLINED; deletions are indicated by ~~strikeout~~.

Applicability: Unless otherwise noted, the provisions of Article VI, Rule 14, apply to employees in all classes.

Sec. 14.34 ~~Transfer of Disabled (cont.)~~

Sec. 14.34.5 ~~Probationary Period Following Disability Transfer~~

~~1) A disability transferee shall serve a probationary period of six months of service as provided elsewhere in these Rules.~~

~~2) At any time during the probationary period the employee may, with the review and approval of the appointing officer and subject to the approval of the Human Resources Director, request further disability transfer to a position in the class to which transferred in another department subject to a new probationary period, or to a position in another class subject to a new probationary period. If there is no immediate vacancy in another position or class pending such further disability transfer, the employee shall remain in the department and the probationary period shall be extended until further disability transfer can be effected; however, in no case shall the extension of the probationary period exceed three months of service. Requests for further disability transfer may be rescinded on the request of the employee and with the approval of the appointing officer. If the request is rescinded during the initial six month probationary period, the employee will complete the balance of the probationary period; if the rescission occurs during the extension to the probationary period, the employee will be deemed as having passed the probationary period on the date the approved request to rescind is received in the Department of Human Resources. At any time during the probationary period or the probationary period extension, charges for the employee's dismissal may be preferred in accordance with the procedures governing the removal of permanent employees as provided in Charter Section A8.341 and elsewhere in these Rules.~~

~~3) The hearing officer in rendering a decision shall have the following options: exonerate the employee; suspend the employee; terminate the employee; or refer the employee to the Department of Human Resources for consideration for further disability transfer. The hearing officer shall evaluate the charges for dismissal with the standard applicable to a probationary and not a permanent employee. The decision of the hearing officer shall be final.~~

Additions are shown in UPPERCASE AND ARE UNDERLINED; deletions are indicated by ~~strikeout~~.

~~14.34.6~~ **Certification and Appointment**

~~Certification and appointment of disability transferees shall be made in accordance with the provisions of the Rules governing the Rule of One. Such transferees shall have priority over eligibles on existing eligible lists; however, holdovers shall have preference for certification and appointment over disability transferees.~~

~~14.34.7~~ **Resolution of Disputes**

- ~~1) A dispute concerning the application, implementation or interpretation of this section shall be decided by the Human Resources Director subject to appeal to the Commission as provided elsewhere in these Rules.~~
- ~~2) Pending final resolution of a dispute under this subsection, any proposed disability transfer shall be held in abeyance.~~



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

MEMORANDUM
CSC No. 97-11

BOX 41
PUBLIC LIBRARY - M-2* A-1*
GOV. INFO. CENTER
100 Larkin Street
San Francisco, CA 94102

Date: December 19, 1997

To: Department Heads
Departmental Personnel Officers
Personnel Representatives
Employee Organization Representatives

From: Albert C. Walker
Executive Officer, Civil Service Commission

Subject: Proposed Amendments to Civil Service Commission
Rule 17 - Probationary Period.

RECEIVED

DEC 22 1997

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PUBLIC LIBRARY

Attached is a copy of proposed amendments to Civil Service Commission Rule 17 - Probationary Period. This proposal deletes current Rule 17 in its entirety and replaces it with the new language attached. The Civil Service Commission will formally post Rule 17 for amendment at its meeting of January 5, 1998.

As provided in Charter Sections 10.101 and 8.409-3, the Civil Service Commission has jurisdiction over "probationary status and the administration of probationary periods, except duration." The proposed amendments affect probationary status and the administration of probationary periods as follows:

1. Redefinition of Probationary Period

This proposal calls for a redefinition of the probationary period so that it becomes a period of time actually worked rather than a calendar period of time. Consequently, absences — including paid absences — will not count toward completion of the probationary period. Therefore, most extension provisions are deleted from the probationary period rules.

2. Non-Punitive and Non-Stigmatizing Probationary Period Separations

The proposal deletes from the Rules reference to negative and punitive transactions such as "termination" and "dismissal" during the probationary period. Substituted is a non-punitive separation process called "release" for probationary employees who are simply not meeting the job standards.

3. Entrance Versus Promotive Employees - "Retreat" Rights

The new release provisions of Rule 17 will cover all employees, both "entrance" and "promotive." Provision is made for released promotive employees to have certain rights to "retreat" or for "reversion" to a position in the class from which they promoted.

4. Disciplinary Separations

Provision is made for the release of employees for disciplinary reasons, including determination of future employability. Promotive employees separating for disciplinary reasons may be deprived of "retreat" rights.

5. Duration of the Probationary Period

Duration of the probationary period is no longer under the jurisdiction of the Civil Service Commission for any class. Consequently, provisions regarding length of the probationary period have been completely eliminated from Rule 17.

Requests to meet and confer by recognized employee organizations or requests to consult by other parties on these proposed Rules changes must be submitted in writing to:

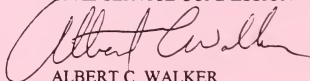
Gene D. Rucker, Commission Labor Negotiator
Civil Service Commission
25 Van Ness, Suite 720
San Francisco, CA 94102

Requests may be sent by fax to (415) 252-3260. Mailed or faxed requests to meet must include the name and telephone number of a contact person and must be received no later than January 9, 1998. Should any recognized employee organization or other party fail to request meet and confer or consultation on the proposed amendment by January 9, 1998, such failure shall be deemed an unequivocal waiver of the right to meet and confer or consultation; and, the proposed amendment to Rule 17 - Probationary Period, will proceed to be finalized and adopted without further notice.

In the event that impasse is reached on the proposed Rules changes, the Commission will follow the impasse procedure of the Meyers-Milias-Brown Act, California Government Code Section 3505.2 - Mediation, which provides that: "If after a reasonable period of time, representatives of the public agency and the recognized employee organization fail to reach agreement, the public agency and the recognized employee organization or recognized employee organizations together may agree upon the appointment of a mediator mutually agreeable to the parties. Costs of mediation shall be divided one-half to the public agency and one-half to the recognized employee organization or recognized employee organizations."

If there are questions, please call Gene Rucker, Commission Labor Negotiator, at 252-3239.

CIVIL SERVICE COMMISSION



ALBERT C. WALKER
Executive Officer

Attachments

**PROPOSED AMENDMENTS TO CIVIL SERVICE COMMISSION
RULE 17 - PROBATIONARY PERIOD**

OUTLINE

<u>Section</u>	<u>Title</u>	<u>Page</u>
17.01	Requirement for a Probationary Period -----	B
17.02	Definition of Probationary Period-----	C
17.03	Appointments Subject to the Probationary Period -----	D
17.04	Extension of the Probationary Period to Obtain License or Certificate---	F
17.05	Credit for Probationary Period -----	G
17.06	Successive Probationary Appointment -----	H
17.07	Report of Completion of Probationary Period-----	I
17.08	Voluntary Resumption of the Probationary Period -----	J
17.09	Release of Employee During the Probationary Period-----	K

NOTE: ALL LANGUAGE OF CURRENT CIVIL SERVICE COMMISSION
RULE 17 - PROBATIONARY PERIOD, IS RECOMMENDED FOR
DELETION. THE LANGUAGE OF THIS PROPOSAL WILL
SUBSTITUTE AND REPLACE ALL EXISTING LANGUAGE.

ALL LANGUAGE IS NEW

**PROPOSED AMENDMENTS TO CIVIL SERVICE COMMISSION
RULE 17 - PROBATIONARY PERIOD**

SECTION 17.01 REQUIREMENT FOR A PROBATIONARY PERIOD

- 17.01.1 ANY PERSON APPOINTED TO A PERMANENT CIVIL SERVICE POSITION SHALL SERVE A PROBATIONARY PERIOD.
- 17.01.2 NOTHING IN THESE PROVISIONS IS INTENDED TO INFRINGE UPON OR RESTRICT THE AUTHORITY OF AN APPOINTING OFFICER IN RELEASING A PROBATIONARY EMPLOYEE AS PROVIDED IN THESE RULES.

ALL LANGUAGE IS NEW

PROPOSED AMENDMENTS TO CIVIL SERVICE COMMISSION
RULE 17 - PROBATIONARY PERIOD

SECTION 17.02 DEFINITION OF PROBATIONARY PERIOD

THE PROBATIONARY PERIOD IS DEFINED AS:

- 17.02.1 THE FINAL AND MOST IMPORTANT PHASE OF THE
SELECTION PROCESS AND IS TO BE USED FOR
EVALUATING THE PERFORMANCE OF AN EMPLOYEE IN
THE POSITION TO WHICH APPOINTED, AND
- 17.02.2 A PERIOD OF REGULARLY SCHEDULED HOURS WORKED,
EXCLUDING ANY TIME OFF FOR LEAVE, VACATION, OTHER
TYPES OF TIME OFF, OR OVERTIME.

ALL LANGUAGE IS NEW

**PROPOSED AMENDMENTS TO CIVIL SERVICE COMMISSION
RULE 17 - PROBATIONARY PERIOD**

SECTION 17.03 APPOINTMENTS SUBJECT TO THE PROBATIONARY PERIOD

A PROBATIONARY PERIOD IS REQUIRED FOR ALL OF THE
FOLLOWING TYPES OF PERMANENT APPOINTMENTS:

- 17.03.1 APPOINTMENT FROM AN ELIGIBLE LIST;
- 17.03.2 APPOINTMENT FOLLOWING LAYOFF OR INVOLUNTARY
LEAVE WHEN THE APPOINTMENT IS TO A CLASS AND/OR
DEPARTMENT OTHER THAN THE ONE FROM WHICH LAID
OFF, OR WHEN A PROBATIONARY PERIOD HAS NOT BEEN
PREVIOUSLY SERVED IN THE CLASS AND DEPARTMENT;
- 17.03.3 APPOINTMENTS BY TRANSFER TO A POSITION IN THE
SAME CLASS IN ANOTHER DEPARTMENT, STATUS
TRANSFER UNDER THE STATUS RIGHTS OF AMERICANS
WITH DISABILITIES ACT PROVISIONS OF THESE RULES, OR
TECHNOLOGICAL TRANSFER;
- 17.03.4 REAPPOINTMENT OF RESIGNEES;

ALL LANGUAGE IS NEW

PROPOSED AMENDMENTS TO CIVIL SERVICE COMMISSION
RULE 17 - PROBATIONARY PERIOD

SECTION 17.03 APPOINTMENTS SUBJECT TO THE PROBATIONARY PERIOD
(CONT.)

- 17.03.5 REINSTATEMENT AT THE REQUEST OF THE EMPLOYEE TO
A PERMANENT POSITION IN A FORMER CLASS IN A
DEPARTMENT OTHER THAN A DEPARTMENT IN WHICH THE
PROBATIONARY PERIOD HAD BEEN COMPLETED IN THIS
FORMER CLASS;
- 17.03.6 ADVANCEMENT FROM A PART-TIME POSITION TO A FULL-
TIME POSITION EXCEPT IF THE EMPLOYEE HAD
PREVIOUSLY SERVED A PROBATIONARY PERIOD IN A
FULL-TIME POSITION IN THE SAME CLASS IN THE SAME
DEPARTMENT;
- 17.03.7 REVERSION BY A PROMOTIVE PROBATIONARY EMPLOYEE
TO A POSITION IN A FORMER CLASS IN WHICH THE
PROBATIONARY PERIOD HAS BEEN COMPLETED, EXCEPT IF
THE EMPLOYEE HAS PREVIOUSLY SERVED A
PROBATIONARY PERIOD IN THE SAME DEPARTMENT IN
THAT CLASS.

ALL LANGUAGE IS NEW

PROPOSED AMENDMENTS TO CIVIL SERVICE COMMISSION
RULE 17 - PROBATIONARY PERIOD

SECTION 17.04 EXTENSION OF THE PROBATIONARY PERIOD TO OBTAIN
LICENSE OR CERTIFICATE

AN APPOINTING OFFICER, WITH THE APPROVAL OF THE
HUMAN RESOURCES DIRECTOR, MAY EXTEND THE
PROBATIONARY PERIOD OF A PROBATIONARY APPOINTEE
FOR UP TO A MAXIMUM OF TWELVE (12) CALENDAR MONTHS
IN ORDER TO ALLOW THE EMPLOYEE TIME IN WHICH TO
OBTAIN REQUIRED LICENSES AND/OR CERTIFICATES.

ALL LANGUAGE IS NEW

PROPOSED AMENDMENTS TO CIVIL SERVICE COMMISSION
RULE 17 - PROBATIONARY PERIOD

SECTION 17.05 CREDIT FOR PROBATIONARY PERIOD

- 17.05.1 TIME SERVED WHILE ON LEAVE OF ABSENCE TO SERVE UNDER EXEMPT, TEMPORARY CIVIL SERVICE, OR PROVISIONAL APPOINTMENT UNDER THE SAME APPOINTING OFFICER IN ANOTHER CLASS DURING THE PROBATIONARY PERIOD MAY BE COUNTED TOWARD THE COMPLETION OF THE PROBATIONARY PERIOD FOR THE CLASS FROM WHICH LEAVE WAS GRANTED. APPOINTING OFFICERS SHALL NOTIFY THE DEPARTMENT OF HUMAN RESOURCES IN WRITING OF SUCH APPOINTMENTS.
- 17.05.2 AN APPOINTING OFFICER MAY CREDIT AS PROBATIONARY TIME SERVED, AN EMPLOYEE'S PRIOR FULL-TIME SERVICE IN A PERMANENT POSITION IN THE SAME CLASS, EXCLUDING PROBATIONARY TIME. SUCH CREDITS SHALL NOT EXCEED ONE-HALF (1/2) OF THE REQUIRED LENGTH OF THE PROBATIONARY PERIOD.
- 17.05.3 AN APPOINTING OFFICER MAY CREDIT PERIODS OF LIMITED TERM TRANSFER TOWARD THE COMPLETION OF THE PROBATIONARY PERIOD AS PROVIDED IN THE TRANSFER PROVISIONS OF THESE RULES.

ALL LANGUAGE IS NEW

**PROPOSED AMENDMENTS TO CIVIL SERVICE COMMISSION
RULE 17 - PROBATIONARY PERIOD**

SECTION 17.06 SUCCESSIVE PROBATIONARY APPOINTMENT

WITH THE APPROVAL OF THE HUMAN RESOURCES DIRECTOR,
AN APPOINTING OFFICER, WITH THE CONCURRENCE OF THE
EMPLOYEE, MAY RENEW THE EMPLOYEE'S PROBATIONARY
PERIOD. THE HUMAN RESOURCES DIRECTOR SHALL
ESTABLISH THE ADMINISTRATIVE PROCESS AND
PROCEDURES FOR ACCOMPLISHING SUCH SUCCESSIVE
PROBATIONARY APPOINTMENTS.

ALL LANGUAGE IS NEW

PROPOSED AMENDMENTS TO CIVIL SERVICE COMMISSION
RULE 17 - PROBATIONARY PERIOD

SECTION 17.07 REPORT OF PROBATIONARY PERIOD

THE APPOINTING OFFICER SHALL NOTIFY THE APPOINTEE
AND THE DEPARTMENT OF HUMAN RESOURCES ON THE
FORM, AND IN THE MANNER PRESCRIBED BY THE HUMAN
RESOURCES DIRECTOR, OF AN APPOINTEE'S PROBATIONARY
PERIOD.

ALL LANGUAGE IS NEW

**PROPOSED AMENDMENTS TO CIVIL SERVICE COMMISSION
RULE 17 - PROBATIONARY PERIOD**

**SECTION 17.08 VOLUNTARY RESUMPTION OF THE PROBATIONARY
PERIOD**

- 17.08.1 WHEN AGREED UPON BY AN APPOINTING OFFICER AND AN
EMPLOYEE, AND WITH THE APPROVAL OF THE HUMAN
RESOURCES DIRECTOR, A PERMANENT EMPLOYEE PAST
THE PROBATIONARY PERIOD MAY VOLUNTARILY AGREE
TO SERVE A NEW PROBATIONARY PERIOD IN LIEU OF THE
DEPARTMENT DISMISSING THE EMPLOYEE.
- 17.08.2 THE DURATION OF THE RESUMED PROBATIONARY PERIOD
SHALL NOT EXCEED SIX (6) CALENDAR MONTHS.
- 17.08.3 DURING THIS RESUMED PROBATIONARY PERIOD, SHOULD
THE EMPLOYEE FAIL TO ABIDE BY THE TERMS AND
CONDITIONS OF THE PROBATIONARY PERIOD SET BY THE
DEPARTMENT, SUBSEQUENT ACTION MAY BE TAKEN.
- 17.08.4 THIS RESUMED PROBATIONARY PERIOD IS SUBJECT TO
ALL TERMS AND CONDITIONS OF A PROBATIONARY
PERIOD AS PROVIDED ELSEWHERE IN THESE RULES.

ALL LANGUAGE IS NEW

PROPOSED AMENDMENTS TO CIVIL SERVICE COMMISSION
RULE 17 - PROBATIONARY PERIOD

SECTION 17.09 RELEASE OF EMPLOYEE DURING THE PROBATIONARY
PERIOD

17.09.1 AUTHORITY AND PROCEDURES FOR RELEASE OF
PROBATIONARY EMPLOYEE.

- 1) AN EMPLOYEE MAY BE RELEASED BY THE APPOINTING
OFFICER AT ANY TIME DURING THE PROBATIONARY
PERIOD UPON WRITTEN NOTICE TO THE EMPLOYEE
AND THE HUMAN RESOURCES DIRECTOR.

- 2) CONSISTENT WITH THESE RULES AND SUBJECT TO THE
APPROVAL OF THE COMMISSION, THE HUMAN
RESOURCES DIRECTOR SHALL ESTABLISH AND
PROMULGATE PROCEDURES FOR ADMINISTERING AND
PROCESSING THE RELEASE OF PROBATIONARY
EMPLOYEES. THESE PROCEDURES, AND ANY
AMENDMENTS THERETO, SHALL BE SUBJECT TO THE
APPROVAL OF THE CIVIL SERVICE COMMISSION , AND
WHEN SO APPROVED BY THE COMMISSION, SHALL BE
DEEMED AS INCLUDED IN THESE RULES.

ALL LANGUAGE IS NEW

PROPOSED AMENDMENTS TO CIVIL SERVICE COMMISSION
RULE 17 - PROBATIONARY PERIOD

SECTION 17.09 RELEASE OF EMPLOYEE DURING THE PROBATIONARY
PERIOD (CONT.)

17.09.2 RELEASE OF PROBATIONARY EMPLOYEE FOR
DISCIPLINARY REASONS.

- 1) IF THE RELEASE OF A PROBATIONARY EMPLOYEE IS
FOR DISCIPLINARY REASONS, A DETERMINATION OF
THE EMPLOYEE'S FUTURE EMPLOYABILITY SHALL BE
AS PROVIDED IN THIS SECTION.
- 2) THE DECISION ON FUTURE EMPLOYABILITY REACHED
THROUGH THE PROCEDURES ESTABLISHED UNDER
THESE RULES SHALL BE FINAL AND SHALL NOT BE
SUBJECT TO RECONSIDERATION.

ALL LANGUAGE IS NEW

PROPOSED AMENDMENTS TO CIVIL SERVICE COMMISSION
RULE 17 - PROBATIONARY PERIOD

SECTION 17.09 RELEASE OF EMPLOYEE DURING THE PROBATIONARY
PERIOD (CONT.)

- 3) THE EXECUTIVE OFFICER SHALL ESTABLISH AND PROMULGATE THE ADMINISTRATIVE PROCESS AND PROCEDURES INCLUDING THE TIME FRAME FOR FILING REQUESTS FOR FUTURE EMPLOYABILITY HEARINGS. THIS PROCESS AND THESE PROCEDURES, AND ANY AMENDMENTS THERETO, SHALL BE SUBJECT TO THE APPROVAL OF THE CIVIL SERVICE COMMISSION, AND WHEN SO APPROVED BY THE COMMISSION, SHALL BE DEEMED AS INCLUDED IN THESE RULES.
- 17.09.3 REVERSION TO FORMER CLASS — RELEASED PROMOTIVE PROBATIONARY EMPLOYEE.
- 1) EXCEPT IF THE RELEASE IS FOR DISCIPLINARY REASONS AND SUBJECT TO APPROVAL OF THE HUMAN RESOURCES DIRECTOR, AN EMPLOYEE RELEASED DURING A PROMOTIVE PROBATIONARY PERIOD SHALL REVERT TO A POSITION IN THE CLASS FROM WHICH PROMOTED. IF NECESSARY, DISPLACEMENTS IN THE FORMER CLASS SHALL OCCUR.

ALL LANGUAGE IS NEW

**PROPOSED AMENDMENTS TO CIVIL SERVICE COMMISSION
RULE 17 - PROBATIONARY PERIOD**

**SECTION 17.09 RELEASE OF EMPLOYEE DURING THE PROBATIONARY
PERIOD (CONT.)**

- 2) EXCEPT FOR REASONS BEYOND THE CONTROL OF THE COMMISSION OR THE HUMAN RESOURCES DIRECTOR, REVERSION OF A RELEASED PROMOTIVE PROBATIONARY EMPLOYEE SHALL BE ACCOMPLISHED NOT LATER THAN THIRTY (30) DAYS FROM THE EFFECTIVE DATE OF THE EMPLOYEE'S RELEASE.

- 3) THE HUMAN RESOURCES DIRECTOR SHALL ESTABLISH AND PROMULGATE THE ADMINISTRATIVE PROCESS AND PROCEDURES FOR THE REVERSION OF A RELEASED PROMOTIVE PROBATIONARY EMPLOYEE. THIS PROCESS AND THESE PROCEDURES, AND ANY AMENDMENTS THERETO, SHALL BE SUBJECT TO THE APPROVAL OF THE CIVIL SERVICE COMMISSION, AND WHEN SO APPROVED BY THE COMMISSION, SHALL BE DEEMED AS INCLUDED IN THESE RULES.

ALL LANGUAGE IS NEW



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MEMORANDUM CSC No. 98-02

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COMMISSIONER

GEORGE KOSTUROS
COMMISSIONER

ROSABELLA SAFONT
COMMISSIONER

Date: February 3, 1998

To: Department Heads
Departmental Personnel Officers
Personnel Representatives
Employee Organization Representatives

From: Anita Sanchez
Assistant Executive Officer, Civil Service Commission

Subject: Proposed Amendments to Civil Service Commission Rule 9 - Position Classification and Related Rules, Sec. 9.8 - Effect of Classification Changes on Incumbent.

Attached is a copy of proposed amendments to Civil Service Commission Rule 9 - Position Classification and Related Rules, Sec. 9.8 - Effect of Classification Changes on Incumbent. This proposal adds text and renumbers the subsections of 9.8. The Civil Service Commission has posted Rule 9 for adoption at its meeting of March 2, 1998.

Under the proposed amendment, Section 9.8.1 reflects the requirement of Charter Section 10.103 that allocation or reallocation of a position shall not adversely affect the Civil Service rights of an occupant regularly holding such position, while Section 9.8.2 allows for the immediate reallocation of an occupied position to a higher or lower class so long as there is mutual agreement with the recognized employee organization.

Requests to meet and confer by recognized employee organizations or requests to consult by other parties on these proposed Rules changes must be submitted in writing to:

Gene D. Rucker, Commission Labor Negotiator
Civil Service Commission
25 Van Ness, Suite 720
San Francisco, CA 94102

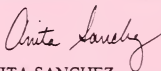
Requests may be sent by fax to (415) 252-3260. Mailed or faxed requests to meet must include the name and telephone number of a contact person and must

be received no later than Thursday, February 12, 1998. Should any recognized employee organization or other party fail to request meet and confer or consultation on the proposed amendment by February 12, 1998, such failure shall be deemed an unequivocal waiver of the right to meet and confer or consultation; and, the proposed amendment to Rule 9 - Position Classification and Related Rules, Sec. 9.8 - Effect of Classification Changes on Incumbent, will proceed to be finalized and adopted without further notice.

In the event that impasse is reached on the proposed Rules changes, the Commission will follow the impasse procedure of the Meyers-Milias-Brown Act, California Government Code Section 3505.2 - Mediation, which provides that: "If after a reasonable period of time, representatives of the public agency and the recognized employee organization fail to reach agreement, the public agency and the recognized employee organization or recognized employee organizations together may agree upon the appointment of a mediator mutually agreeable to the parties. Costs of mediation shall be divided one-half to the public agency and one-half to the recognized employee organization or recognized employee organizations."

If there are questions, please call Gene Rucker, Commission Labor Negotiator, at 252-3239.

CIVIL SERVICE COMMISSION

A handwritten signature in dark ink, appearing to read "Anita Sanchez", written in a cursive style.

ANITA SANCHEZ
Assistant Executive Officer

Attachment

Applicability: Unless otherwise noted, the provisions of Rule 9 apply to employees in all classes.

Sec. 9.7 **Reviews and Appeals**

Any employee, representative, or appointing authority affected by any classification action may appeal the action to the Commission. The appeal shall be in accordance with the procedures established by the Executive Officer of the Civil Service Commission.

Sec. 9.8 **Effect of Classification Changes on Incumbent**

- 9.8.1** The allocation or reallocation of a position shall not adversely affect the CIVIL SERVICE rights of an occupant legally holding such a position under permanent appointment.
- 9.8.2** When a position is to be reallocated from one class to a higher or lower class, or from one series to another series, such reallocation shall be effected when the position becomes vacant by reassignment or for other reason(s), EXCEPT WHEN EARLIER IMPLEMENTATION IS APPROVED BY MUTUAL AGREEMENT WITH THE APPROPRIATE RECOGNIZED EMPLOYEE ORGANIZATION. Pending such reallocation, the incumbent shall continue in the position.
- 9.8. 23** An employee who gains eligibility in the class to which the position is to be allocated may receive an appointment thereto in accordance with the Rules governing appointments.
- 9.8.34** Whenever the title of the class changes without a change in duties or responsibilities, the incumbent shall have the same status in the new class as in the old class.

*Additions are shown in UPPERCASE AND ARE UNDERLINED;
deletions are indicated by ~~strikethrough~~.*



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MEMORANDUM CSC No. 98-10

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KATE FAVETTI
EXECUTIVE OFFICER

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100 Larkin Street
San Francisco, CA 94102

Date: May 12, 1998

To: Department Heads
Departmental Personnel Officers
Personnel Representatives
Employee Organization Representatives

From: Kate Favetti, Executive Officer

Subject: Proposed Amendment to Civil Service Commission Rule 11 -
Examinations, Section 11.9 - Cheating or Fraud in Examinations to
add Section 11.9.1 - Aid, Hindrance, Fraud, and Collusion In
Examinations.

Attached is a copy of the proposed amendment to Civil Service Commission Rule 11 - Examinations, Section 11.9 - Cheating or Fraud in Examinations to add Section 11.9.1 - Aid, Hindrance, Fraud, and Collusion In Examinations. The purpose of this amendment is to restore the previous Charter Section 8.325 provisions and the existing Civil Service Rule 11.9 - Cheating or Fraud in Examinations. The existing Rule focuses on persons cheating, attempting to cheat or assisting other persons in cheating in the examination process. The previous Charter Section 8.325 focuses on person(s) or officials obstructing a fair and impartial examination process.

Requests to meet and confer by recognized employee organizations or requests to consult by other parties on these proposed Rules changes must be submitted in writing to:

Gene D. Rucker, Commission Labor Negotiator
Civil Service Commission
25 Van Ness, Suite 720
San Francisco, CA 94102

Memorandum

Page 2

May 12, 1998

Requests may be sent by fax to (415) 252-3260. Mailed or faxed requests to meet must include the name and telephone number of a contact person and must be received no later than Friday, May 22, 1998. Should any recognized employee organization or other party fail to request meet and confer or consultation on the proposed amendment by May 22, 1998, such failure shall be deemed an unequivocal waiver of the right to meet and confer or consultation; and, the proposed amendment to Rule 9 - Position Classification and Related Rules, Sec. 9.8 - Effect of Classification Changes on incumbent, will proceed to be finalized and adopted without further notice.

In the event that impasse is reached on the proposed Rules changes, the Commission will follow the impasse procedure of the Meyers-Milias-Brown Act, California Government Code Section 3505.2 - Mediation, which provides that: "If after a reasonable period of time, representatives of the public agency and the recognized employee organization fail to reach agreement, the public agency and the recognized employee organization or recognized employee organizations together may agree upon the appointment of a mediator mutually agreeable to the parties. Costs of mediation shall be divided one-half to the public agency and one-half to the recognized employee organization or recognized employee organizations."

If there are questions, please call Gene Rucker, Commission Labor Negotiator, at 252-3239.

CIVIL SERVICE COMMISSION

A handwritten signature in dark ink, appearing to read "Kate Favetti", is written over the printed name.

KATE FAVETTI

Executive Officer

Attachment

ADDITIONS ARE DOUBLE UNDERLINED

Applicability: The provisions of Article I, Rule 11, apply to employees in all classes except those represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 11.9 Cheating or Fraud in Examinations

It is the policy of the Civil Service Commission that examinations shall be conducted in a fair and impartial manner in order to test fairly the relative qualifications, merit, and fitness of applicants. Any person cheating, attempting to cheat, or assisting other persons in cheating in any phase of the examination process shall be prosecuted to the full extent of the Charter and other laws. Actions to be taken include elimination from the examination process, dismissal, and ineligibility for future employment. Cheating shall include the use or attempted use of materials not authorized by the scheduling notice to candidates to report for the examination. Significant false statements by applicants on the application or during the selection process shall be good cause for the exclusion of such person from the examination and such other appropriate action as may be recommended by the Human Resources Director.

11.9.1 Aid, Hindrance, Fraud and Collusion in Examinations

No person or officer shall, by himself/herself or in cooperation with other persons, defeat, deceive or obstruct any person in respect to his or her right of examination; or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder, or aid in so doing; or make any false representations concerning the same, or concerning the person examined; or furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person of being appointed, employed or promoted.

Any eligible securing standing on a list by fraud, concealment of fact or violation of commission rules shall be removed from such list and if certified or assigned to a position shall be removed therefrom.

Sec. 11.10 Copying of Examination-Related Materials

The copying or the making of notes or outlines of examination-related materials is prohibited.



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MEMORANDUM CSC No. 98-14

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COMMISSIONER

A. LEE MUNSON
COMMISSIONER

ROSABELLA SAFONT
COMMISSIONER

KATE FAVETTI
EXECUTIVE OFFICER

Date: June 19, 1998

To: Department Heads
Departmental Personnel Officers
Personnel Representatives
Employee Organization Representatives

From: Kate Favetti, Executive Officer

Subject: Proposed Amendment to Civil Service Commission Rule 11 -
Examinations:

- 1) Section 11.9 - Cheating or Fraud in Examinations, to add
Section 11.9.1 - Aid, Hindrance, Fraud, and Collusion In
Examinations; and
- 2) Section 11.25 - Unauthorized Material, to be replaced with
Section 11.25 - Cheating or Fraud in Examinations and to add
Section 11.25.1 - Aid, Hindrance, Fraud And Collusion In
Examinations

Attached is a copy of the proposed amendment to Civil Service Commission Rule 11 - Examinations; Section 11.9 - Cheating or Fraud in Examinations, to add Section 11.9.1 - Aid, Hindrance, Fraud and Collusion In Examinations; and Section 11.25 - Unauthorized Material, to be replaced with Section 11.25 - Cheating or Fraud in Examinations, and to add Section 11.25.1 - Aid, Hindrance, Fraud and Collusion In Examinations.

The purpose of the amendment is to restore the previous 1932 Charter Section 8.325 - Aid, Hindrance, Fraud and Collusion in Examinations, by including the language in Civil Service Rule 11.9 and Civil Service Rule 11.25. The existing Rule focuses on persons cheating, attempting to cheat or assisting other persons in cheating in the examination process. The previous 1932 Charter Section 8.325 - Aid, Hindrance, Fraud and Collusion in examinations, focuses on any person(s) or official(s) obstructing a fair and impartial examination process. The amendment language is broader than the current language of the Rules and covers any person(s) who may intervene to advance or harm an applicant's chances. The language was inadvertently not included in the Rules when the 1996 Charter was adopted.

Requests to meet and confer by recognized employee organizations or requests to consult by other parties on these proposed Rules changes must be submitted in writing to:

Gene D. Rucker, Commission Labor Negotiator
Civil Service Commission
25 Van Ness, Suite 720
San Francisco, CA 94102

Requests may be sent by fax to (415) 252-3260. Mailed or faxed requests to meet must include the name and telephone number of a contact person and must be received no later than Monday, July 3, 1998. Should any recognized employee organization or other party fail to request meet and confer or consultation on the proposed amendment by July 3, 1998, such failure shall be deemed an unequivocal waiver of the right to meet and confer or consultation; and the proposed amendment to Rule Civil Service Commission Rule 11 - Examinations, Section 11.9 - Cheating or Fraud in Examinations and Civil Service Commission Rule 11 - Examinations, Section 11.25 - Unauthorized Material, will proceed to be finalized and adopted without further notice.

In the event that impasse is reached on the proposed Rules changes, the Commission will follow the impasse procedure of the Meyers-Milias-Brown Act, California Government Code Section 3505.2 - Mediation, which provides that: "If after a reasonable period of time, representatives of the public agency and the recognized employee organization fail to reach agreement, the public agency and the recognized employee organization or recognized employee organizations together may agree upon the appointment of a mediator mutually agreeable to the parties. Costs of mediation shall be divided one-half to the public agency and one-half to the recognized employee organization or recognized employee organizations."

If there are questions, please call Gene Rucker, Commission Labor Negotiator, at 252-3239.

CIVIL SERVICE COMMISSION

A handwritten signature in dark ink, appearing to read "Kate Favetti", is written over the printed name.

KATE FAVETTI
Executive Officer

Attachment

ADDITIONS ARE DOUBLE UNDERLINED

Applicability: The provisions of Article I, Rule 11, apply to employees in all classes except those represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 11.9 Cheating or Fraud in Examinations

It is the policy of the Civil Service Commission that examinations shall be conducted in a fair and impartial manner in order to test fairly the relative qualifications, merit, and fitness of applicants. Any person cheating, attempting to cheat, or assisting other persons in cheating in any phase of the examination process shall be prosecuted to the full extent of the Charter and other laws. Actions to be taken include elimination from the examination process, dismissal, and ineligibility for future employment. Cheating shall include the use or attempted use of materials not authorized by the scheduling notice to candidates to report for the examination. Significant false statements by applicants on the application or during the selection process shall be good cause for the exclusion of such person from the examination and such other appropriate action as may be recommended by the Human Resources Director.

11.9.1 Aid, Hindrance, Fraud and Collusion in Examinations

No person or officer shall, by himself/herself or in cooperation with other persons, defeat, deceive or obstruct any person in respect to his or her right of examination; or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder, or aid in so doing; or make any false representations concerning the same, or concerning the person examined; or furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person of being appointed, employed or promoted.

Any eligible securing standing on a list by fraud, concealment of fact or violation of commission rules shall be removed from such list and if certified or assigned to a position shall be removed therefrom.

Sec. 11.10 Copying of Examination-Related Materials

The copying or the making of notes or outlines of examination-related materials is prohibited.

Applicability: The provisions of Article II, Rule 11, apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

ADDITIONS ARE DOUBLE UNDERLINED
DELETIONS ARE STRIKETHROUGH

Sec. 11.23 **Promotional Applicants in the Uniformed Ranks of the Police and Fire Departments**

Promotional applicants in the uniformed ranks of the Police and Fire Departments are governed by the provisions of former Charter Section 8.327.

Sec. 11.24 **Means of Identification**

- 11.24.1 The Human Resources Director shall determine the method of candidate identification to be used in written and performance examinations.
- 11.24.2 When the sealed identification method is used, candidates are prohibited from making identifying marks on their examination papers. The examination papers of a candidate who makes identifying marks may be canceled. Sealed identification sheets of successful candidates may not be opened until all ratings and the passing mark are final.
- 11.24.3 Where a number of candidates have competed in two or more examinations in a series and at least one candidate has passed one and failed one of the examinations, the identification sheets of the candidates who have failed one examination may be opened prior to the qualifications appraisal interview but only for the purpose of determining which candidates should participate in the qualifications appraisal interview. Under no circumstance may the score on the examination passed be divulged by the Department of Human Resources prior to the posting of the tentative eligible list.

Sec. 11.25 **Unauthorized Material**

~~Any applicant cheating or attempting to cheat in any phase of the examination process shall be eliminated from the examination and thereafter may be ineligible for future employment. Cheating shall include the use or attempted use of material not authorized by the notice to report for examination.~~

ADDITIONS ARE DOUBLE UNDERLINED
DELETIONS ARE STRIKETHROUGH

Sec. 11.25 Cheating or Fraud in Examinations

It is the policy of the Civil Service Commission that examinations shall be conducted in a fair and impartial manner in order to test fairly the relative qualifications, merit, and fitness of applicants. Any person cheating, attempting to cheat, or assisting other persons in cheating in any phase of the examination process shall be prosecuted to the full extent of the Charter and other laws. Actions to be taken include elimination from the examination process, dismissal, and ineligibility for future employment. Cheating shall include the use or attempted use of materials not authorized by the scheduling notice to candidates to report for the examination. Significant false statements by applicants on the application or during the selection process shall be good cause for the exclusion of such person from the examination and such other appropriate action as may be recommended by the Human Resources Director.

11.25.1 Aid, Hindrance, Fraud and Collusion in Examinations

No person or officer shall, by himself/herself or in cooperation with other persons, defeat, deceive or obstruct any person in respect to his or her right of examination; or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder, or aid in so doing; or make any false representations concerning the same, or concerning the person examined; or furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person of being appointed, employed or promoted.

Any eligible securing standing on a list by fraud, concealment of fact or violation of commission rules shall be removed from such list and, if certified or assigned to a position, shall be removed therefrom.

Sec. 11.26 Copying of Examination Questions

The copying of examination questions or the making of notes or outlines regarding an examination is prohibited.



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COMMISSIONER

ROSABELLA SAFONT
COMMISSIONER

KATE FAVETTI
EXECUTIVE OFFICER

Date: June 22, 1998

To: Department Heads
Departmental Personnel Officers
Personnel Representatives
Employee Organization Representatives

From: Kate Favetti, Executive Officer

Subject: Administrative Changes to Civil Service Commission Rules:

- Add Rule X17 - Probationary Period to Chapter IV - Rules posted by the Civil Service Commission for deletion
- Amend Rule 12 - Eligible Lists, Section 12.30 - Holdover - Permanent and Probationary Appointees

On June 15, 1998, the Civil Service Commission posted for adoption amendments to the Civil Service Commission Rules, adding the former Rule 17 - Probationary Period to Chapter IV - Rules posted by the Civil Service Commission for deletion (X Rules), and amending Rule 12 - Eligible Lists, Section 12.30 - Holdover - Permanent and Probationary Employees. Both amendments reflect administrative changes to the Civil Service Commission Rules as a result of the adoption of Civil Service Commission Rule 17 - Probationary Period on March 16, 1998.

RULE 17:

Civil Service Commission Rule X17 shall apply only to employees who were serving an entrance or promotive probationary period on or before March 15, 1998. Until such time as the probationary period in effect on March 15, 1998, concludes, employees shall continue under the proposed Rule X17.

Rule X17 will expire on July 6, 1999, unless extended by action of the Civil Service Commission before August 6, 1999. Attached is a copy of Rule X17.

Memo
June 22, 1998
Page 2

RULE 12:

Civil Service Commission Rule 12, Section 12.30.3 is calendared for adoption to change the reference from "terminated" to "released," in order to be consistent with Rule 17 - Probationary Period which was adopted on March 16, 1998. Attached is a copy of proposed changes to Rule 12, Section 12.30.3 for your reference.

If you have any questions regarding these administrative Rule corrections, please contact me at 252-3247 or Gene D. Rucker, Commission Labor Negotiator, at 252-3239.

It is the intent of the Civil Service Commission to calendar these Rules changes for adoption at their regular meeting on July 6, 1998.

Sincerely,

CIVIL SERVICE COMMISSION

A handwritten signature in cursive script, appearing to read "Kate Favetti", written in dark ink.

KATE FAVETTI
Executive Officer

Attachments

Applicability: Unless otherwise noted, the provisions of Article V, Rule 12, apply to employees in all classes.

Sec. 12.30 **Holdover Status and Return to Duty (cont.)**

12.30.3 **Holdover - Permanent and Probationary Appointees (cont.)**

3) Return to duty of a permanent holdover to a position in the class from which laid off shall be subject to the following conditions:

4) Return to Duty - Department From Which Laid Off

Permanent Vacancy - A permanent holdover who refuses an offer to return to duty on a permanent basis in the department from which laid off shall forfeit all holdover rights in that class, and shall be removed from all rosters for that class. Such refusal of return to duty shall be deemed a resignation.

Temporary Vacancy - Permanent holdovers may refuse an offer to return to duty on a temporary basis in the department from which laid off without affecting future offers to be returned to duty. Waiver of temporary appointment shall not be removed without the permission of the Human Resources Director.

5) Return to Duty - Department Other Than the One From Which Laid Off

Permanent holdovers may refuse an offer to return to duty on a permanent or temporary basis in a department other than the department from which laid off without affecting future offers to be returned to duty. Such departmental waivers shall not be withdrawn without the approval of the Human Resources Director.

6) A permanent holdover who was laid off during the probationary period and who is returned to duty in the department from which laid off shall complete the remaining period of probationary service.

7) Transferees who are laid off during the probationary period shall be ranked on the permanent holdover roster for the class in accordance with their seniority in the class in the City and County service.

8) Permanent holdovers who resign or are ~~terminated~~ **released** during the probationary period may be returned to the holdover roster from which appointed subject to the provisions of these Rules. Such holdovers shall not displace any current permanent or probationary employees, but shall remain on the list for subsequent permanent appointment to vacant positions and may accept a temporary position in the class, if available.

Deleted language shown as - ~~strikeout~~

New language shown as - **bold and double underline**

RULE X17

PROBATIONARY PERIOD

The provisions of Rule X17 shall apply to all employees in all classes who were serving an entrance or promotive probationary period on March 15, 1998. Said employees shall continue under Rule X17 until such time as the probationary period in effect on March 15, 1998 is concluded. Employees in all classes who commence an entrance or promotive probationary period on March 16, 1998 and thereafter are subject to the Civil Service Commission Rule 17 - Probationary Period as amended and in effect on March 16, 1998. On July 6, 1999 this Rule X17 shall automatically expire unless extended by the Civil Service Commission before August 6, 1999 for a maximum additional period of up to six (6) months.

Article I: Administration of the Probationary Period

Applicability: The provisions of Article I, Rule X17, apply to employees in all classes except employees in classes represented by the Transport Workers Union - Locals 200 and 250A, and to the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Article II: Probationary Period Administration

Applicability: The provisions of Article II, Rule X17, apply only to employees in classes represented by the Transport Workers Union - Locals 200 and 250A, and to the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Article III: Separation of Probationary Employees

Applicability: Unless otherwise noted, the provisions of Article III, Rule X17, apply to employees in all classes.

Article IV: Termination During the Probationary Period

Applicability: Unless otherwise noted, the provisions of Article IV, Rule X17, apply to employees in all classes.

Article V: Dismissal During Probationary Period

Applicability: Unless otherwise noted, the provisions of Article V, Rule X17, apply only to employees in classes represented by the Transport Workers Union - Locals 200 and 250A, and to the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Article VI: Classes Requiring More than Six Months Probationary Period

Applicability: The provisions of Article VI, Rule X17, apply only to employees in the classes enumerated in Article VI.

**RULE 17
PROBATIONARY PERIOD**

ARTICLE I: ADMINISTRATION OF THE PROBATIONARY PERIOD

The provisions of Rule X17 shall apply to all employees in all classes who were serving an entrance or promotive probationary period on March 15, 1998. Said employees shall continue under Rule X17 until such time as the probationary period in effect on March 15, 1998 is concluded. Employees in all classes who commence an entrance or promotive probationary period on March 16, 1998 and thereafter are subject to the Civil Service Commission Rule 17 - Probationary Period as amended and in effect on March 16, 1998. On July 6, 1999 this Rule X17 shall automatically expire unless extended by the Civil Service Commission before August 6, 1999 for a maximum additional period of up to six (6) months.

Applicability: The provisions of Article I, Rule X17, apply to employees in all classes except employees in classes represented by the Transport Workers Union - Locals 200 and 250A, and to the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. X17.1 REQUIREMENT FOR AND PURPOSE OF THE PROBATIONARY PERIOD

X17.1.1 Any person appointed to a permanent civil service position shall serve a probationary period.

X17.1.2 Nothing in these provisions is intended to infringe upon or restrict the discretion of appointing officers in terminating a probationary employee as provided for in these Rules.

X17.1.3 The probationary period is the final and most important phase of the selection process and is to be used for evaluating the performance of the employee in the position to which appointed.

Sec. X17.2 APPOINTMENTS SUBJECT TO THE PROBATIONARY PERIOD

A probationary period is required for all of the following types of permanent appointment:

X17.2.1 Appointment from an eligible list;

X17.2.2 Appointment following layoff or involuntary leave when the appointment is to a class and/or department other than the one from which laid off or where a probationary period had not been previously served in the class and department.

The provisions of Rule X17 shall apply to all employees in all classes who were serving an entrance or promotive probationary period on March 15, 1998. Said employees shall continue under Rule X17 until such time as the probationary period in effect on March 15, 1998 is concluded. Employees in all classes who commence an entrance or promotive probationary period on March 16, 1998 and thereafter are subject to the Civil Service Commission Rule 17 - Probationary Period as amended and in effect on March 16, 1998. On July 6, 1999 this Rule X17 shall automatically expire unless extended by the Civil Service Commission before August 6, 1999 for a maximum additional period of up to six (6) months.

Applicability: The provisions of Article I, Rule X17, apply to employees in all classes except employees in classes represented by the Transport Workers Union - Locals 200 and 250A, and to the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

X17.2.3 Appointment by transfer to the same class in another department, disability transfer, or transfer occasioned by reduction in force due to technological advances, automation or the installation of new equipment.

X17.2.4 Reappointment of resignees;

X17.2.5 Reinstatement at the request of the employee to a permanent position in a former class in a department other than a department in which the probationary period had been completed in this former class;

X17.2.6 Advancement from a part-time position to a full-time position, except if the employee has previously served a probationary period in a full-time position in the same class in the same department;

X17.2.7 Reversion by a promotive probationary employee to a position in a former class in which the probationary period has been completed, except if the employee has previously served a probationary period in the same department in that class.

Sec. X17.3 DURATION OF PROBATIONARY PERIOD

X17.3.1 The probationary period shall be six months of service, except for those classes designated in Article VI of this Rule.

X17.3.2 An employee appointed through disability transfer, as provided elsewhere in these Rules shall be required to serve a probationary period of the same duration applicable to the class to which transferred.

X17.3.3 For an employee who returns to a permanent position following layoff, the probationary period shall be the same period normally applicable to the class to which the employee is appointed. However, for a permanent employee in holdover status, who was laid off during the probationary period and who is returning to the same department and class from which laid off, the employee need only serve the balance of the probationary period.

The provisions of Rule X17 shall apply to all employees in all classes who were serving an entrance or promotive probationary period on March 15, 1998. Said employees shall continue under Rule X17 until such time as the probationary period in effect on March 15, 1998 is concluded. Employees in all classes who commence an entrance or promotive probationary period on March 16, 1998 and thereafter are subject to the Civil Service Commission Rule 17 - Probationary Period as amended and in effect on March 16, 1998. On July 6, 1999 this Rule X17 shall automatically expire unless extended by the Civil Service Commission before August 6, 1999 for a maximum additional period of up to six (6) months.

Applicability: The provisions of Article I, Rule X17, apply to employees in all classes except employees in classes represented by the Transport Workers Union - Locals 200 and 250A, and to the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

X17.3.4 An appointing officer may credit as probationary time served an employee's prior full-time service in a permanent position in the same class, excluding probationary time. Such credits shall not exceed one-half of the required length of the probationary period.

X17.3.5 Appointing officers may credit periods of limited term transfer toward the completion of the probationary period as provided in the transfer provisions of the Appointment Rule.

X17.3.6 Probationary periods of 12 months and up to a maximum of 24 months may be established for professional, executive and management classes.

Sec. X17.4 EXTENSION OF THE PROBATIONARY PERIOD

X17.4.1 Except as provided elsewhere in this section, all periods of unpaid authorized leave, except sick leave, all periods of unauthorized absence, and all periods of disciplinary suspension shall automatically extend the probationary period by the total time of the absence.

X17.4.2 An appointing officer, with the approval of the Human Resources Director, may extend the probationary period of a probationary appointee for up to a maximum of 12 calendar months in order to allow the employee time in which to obtain required licenses and/or certificates.

X17.4.3 All periods of sick leave, with or without pay, in excess of ten working days per six months of probationary period shall automatically extend the probationary period by the total time off in excess of ten working days.

X17.4.4 For all appointees, periods of disability leave shall automatically extend the probationary period by the total time of the absence.

X17.4.5 Regular civil service appointees in the School Districts shall have their probationary period calculated on the basis of actual service, excluding from such period of service, periods of non-service such as school vacation.

The provisions of Rule X17 shall apply to all employees in all classes who were serving an entrance or promotive probationary period on March 15, 1998. Said employees shall continue under Rule X17 until such time as the probationary period in effect on March 15, 1998 is concluded. Employees in all classes who commence an entrance or promotive probationary period on March 16, 1998 and thereafter are subject to the Civil Service Commission Rule 17 - Probationary Period as amended and in effect on March 16, 1998. On July 6, 1999 this Rule X17 shall automatically expire unless extended by the Civil Service Commission before August 6, 1999 for a maximum additional period of up to six (6) months.

Applicability: The provisions of Article I, Rule X17, apply to employees in all classes except employees in classes represented by the Transport Workers Union - Locals 200 and 250A, and to the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

X17.4.6 Exceptions to Extension

1) Military leave, jury duty leave, and vacation leave granted during the probationary period shall not extend the probationary period.

2) Time served while on leave of absence to serve temporarily under the same appointing officer in another class during the probationary period shall be counted toward the completion of the probationary period for the class from which leave was granted. Appointing officers shall notify the Department of Human Resources in writing of such temporary appointments.

X17.4.7 Successive Probationary Appointment

With the approval of the Human Resources Director, an appointing officer, with the concurrence of the employee, may renew the employee's probationary period. The Human Resources Director shall establish the administrative process and procedures for accomplishing such successive probationary appointments.

Sec. X17.5 REPORT OF PROBATIONARY PERIOD

The appointing officer shall notify the appointee and the Department of Human Resources on the prescribed form of the completion of an appointee's probationary period.

Sec. X17.6 VOLUNTARY RESUMPTION OF PROBATIONARY STATUS

When agreed upon by an appointing officer, an employee and with the approval of the Human Resources Director, a permanent employee past the probationary period may voluntarily agree to serve a new probationary period in lieu of the department dismissing the employee. The duration of the resumed probationary period shall not exceed six calendar months. During this resumed probationary period, should the employee fail to abide by the terms and conditions of the probationary period set by the department, subsequent disciplinary action may be taken. This resumed probationary period is subject to all terms and conditions of a probationary period as provided elsewhere in this Rule.

RULE X17

PROBATIONARY PERIOD

ARTICLE II: PROBATIONARY PERIOD ADMINISTRATION

The provisions of Rule X17 shall apply to all employees in all classes who were serving an entrance or promotive probationary period on March 15, 1998. Said employees shall continue under Rule X17 until such time as the probationary period in effect on March 15, 1998 is concluded. Employees in all classes who commence an entrance or promotive probationary period on March 16, 1998 and thereafter are subject to the Civil Service Commission Rule 17 - Probationary Period as amended and in effect on March 16, 1998. On July 6, 1999 this Rule X17 shall automatically expire unless extended by the Civil Service Commission before August 6, 1999 for a maximum additional period of up to six (6) months.

Applicability: The provisions of Article II, Rule X17, apply only to employees in classes represented by the Transport Workers Union - Locals 200 and 250A, and to the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. X17.7 PURPOSE OF THE PROBATIONARY PERIOD

X17.7.1 The probationary period is the final phase of the selection process and is to be used for evaluating the ability of the employee to perform the assigned duties of the position to which appointed.

X17.7.2 Nothing in these provisions is intended to infringe upon or restrict the discretion of appointing officers in terminating a probationary employee as provided in Charter Section 8.340 and elsewhere in these Rules.

Sec. X17.8 APPOINTMENTS SUBJECT TO THE PROBATIONARY PERIOD

A probationary period is required for the following types of appointment:

X17.8.1 Permanent appointment from an eligible list.

X17.8.2 Permanent appointment following layoff or involuntary leave when the appointment is to a class and/or department other than the one from which laid off or where a probationary period had not been previously served in the class and department.

X17.8.3 Appointment by permanent transfer to the same class in another department, disability transfer, or appointment by transfer occasioned by reduction in force due to technological advances, automation or the installation of new equipment.

X17.8.4 Reappointment of resignees.

X17.8.5 Reinstatement at the request of the employee to a permanent position in a former class in a department other than a department in which the probationary period had been completed in this former class.

The provisions of Rule X17 shall apply to all employees in all classes who were serving an entrance or promotive probationary period on March 15, 1998. Said employees shall continue under Rule X17 until such time as the probationary period in effect on March 15, 1998 is concluded. Employees in all classes who commence an entrance or promotive probationary period on March 16, 1998 and thereafter are subject to the Civil Service Commission Rule 17 - Probationary Period as amended and in effect on March 16, 1998. On July 6, 1999 this Rule X17 shall automatically expire unless extended by the Civil Service Commission before August 6, 1999 for a maximum additional period of up to six (6) months.

Applicability: The provisions of Article II, Rule X17, apply only to employees in classes represented by the Transport Workers Union - Locals 200 and 250A, and to the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

X17.8.6 Advancement from a part-time position to a full-time position, except if the employee has previously served a probationary period in a full-time position in the same class in the same department.

Sec. X17.9 EXCEPTION TO PROBATIONARY PERIOD REQUIREMENT

Employees returned to a position in the class from which promoted by action of the Commission under the separation procedures provided elsewhere in these Rules shall not be required to serve a new probationary period, unless ordered otherwise by the Commission.

Sec. X17.10 DURATION OF PROBATIONARY PERIOD

X17.10.1 The probationary period shall be six months except for those classes designated in Article VI of this Rule.

X17.10.2 An employee appointed through disability transfer as provided elsewhere in these Rules shall be required to serve a probationary period of six months of service.

X17.10.3 The probationary period for an employee returned to duty to a permanent appointment following layoff as provided elsewhere in these Rules shall be six months of service in all cases provided, however, that a permanent holdover who was serving a probationary period when laid off and is being returned to duty in the same department from which laid off shall serve the balance of the probationary period.

X17.10.4 Appointing officers may credit, as time served toward the completion of the probationary period, prior permanent appointment in the same class, not to exceed the total length of the period(s) of appointment up to a maximum credit of one-half of the required length of the probationary period.

X17.10.5 Appointing officers may credit periods of limited term transfer toward the completion of the probationary period as provided in the transfer provisions of the Appointment Rule.

The provisions of Rule X17 shall apply to all employees in all classes who were serving an entrance or promotive probationary period on March 15, 1998. Said employees shall continue under Rule X17 until such time as the probationary period in effect on March 15, 1998 is concluded. Employees in all classes who commence an entrance or promotive probationary period on March 16, 1998 and thereafter are subject to the Civil Service Commission Rule 17 - Probationary Period as amended and in effect on March 16, 1998. On July 6, 1999 this Rule X17 shall automatically expire unless extended by the Civil Service Commission before August 6, 1999 for a maximum additional period of up to six (6) months.

Applicability: The provisions of Article II, Rule X17, apply only to employees in classes represented by the Transport Workers Union - Locals 200 and 250A, and to the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. X17.11 EXTENSION OF THE PROBATION PERIOD

X17.11.1 Except as provided elsewhere in this section, all periods of unpaid authorized leave, except sick leave, all periods of unauthorized absence, and all periods of disciplinary suspension shall automatically extend the probationary period by the total time of the absence.

X17.11.2 All periods of sick leave, with or without pay, in excess of ten working days per six months of probationary period shall automatically extend the probationary period by the total time off in excess of ten working days.

X17.11.3 For all appointees, periods of disability leave shall automatically extend the probationary period by the total time of the absence.

X17.11.4 Regular civil service appointees in the School Districts shall have their probationary period calculated on the basis of actual service, excluding from such period of service, periods of non-service such as school vacation.

X17.11.5 Exceptions to Extension

1) Military leave, jury duty leave, and vacation leave granted during the probationary period shall not extend the probationary period.

2) Time served while on leave of absence to serve temporarily under the same appointing officer in another class during the probationary period shall be counted toward the completion of the probationary period for the class from which leave was granted. Appointing officers shall notify the Commission in writing of such temporary appointments.

Sec. X17.12 REPORT OF PROBATIONARY PERIOD

The appointing officer shall notify the appointee and the Department of Human Resources on the prescribed form of the completion of an appointee's probationary period.

RULE X17

PROBATIONARY PERIOD

ARTICLE III: SEPARATION OF PROBATIONARY EMPLOYEES

The provisions of Rule X17 shall apply to all employees in all classes who were serving an entrance or promotive probationary period on March 15, 1998. Said employees shall continue under Rule X17 until such time as the probationary period in effect on March 15, 1998 is concluded. Employees in all classes who commence an entrance or promotive probationary period on March 16, 1998 and thereafter are subject to the Civil Service Commission Rule 17 - Probationary Period as amended and in effect on March 16, 1998. On July 6, 1999 this Rule X17 shall automatically expire unless extended by the Civil Service Commission before August 6, 1999 for a maximum additional period of up to six (6) months.

Applicability: Unless otherwise noted, the provisions of Article III, Rule X17, apply to employees in all classes.

Sec. X17.13 PROCEDURE FOR TERMINATION OF ENTRANCE PROBATIONARY EMPLOYEE

X17.13.1 An entrance probationary employee may be terminated by the appointing officer at any time during the probationary period upon written notice of such termination to the employee and to the Human Resources Director specifying the reasons for such termination. The notification and hearing procedures shall be as provided elsewhere in these Rules.

X17.13.2 The Commission shall take one or more of the following actions:

- 1) May declare such person dismissed, or return the name to the eligible list from which appointed under such conditions for further appointment it deems appropriate, provided that certification to the same position and same immediate supervisor will not be made if the termination was for disciplinary reasons. If the list from which the terminated employee was appointed has expired, the name of the employee may be placed on a reemployment register for the class for an additional period of eligibility of 12 months under such conditions for further appointment as the Commission deems appropriate;
- 2) Order the name of the person removed from any regular eligible list or lists on which the person may have standing;
- 3) Restrict future employment as it deems appropriate.

Sec. X17.14 PROCEDURE FOR TERMINATION OF PROMOTIVE PROBATIONARY EMPLOYEE

X17.14.1 A promotive probationary employee may be terminated by the appointing officer at any time during the probationary period upon written notice of such termination to the employee and to the Human Resources Director specifying the reasons for such termination. The termination shall be in accordance with the provisions of this Rule.

The provisions of Rule X17 shall apply to all employees in all classes who were serving an entrance or promotive probationary period on March 15, 1998. Said employees shall continue under Rule X17 until such time as the probationary period in effect on March 15, 1998 is concluded. Employees in all classes who commence an entrance or promotive probationary period on March 16, 1998 and thereafter are subject to the Civil Service Commission Rule 17 - Probationary Period as amended and in effect on March 16, 1998. On July 6, 1999 this Rule X17 shall automatically expire unless extended by the Civil Service Commission before August 6, 1999 for a maximum additional period of up to six (6) months.

Applicability: Unless otherwise noted, the provisions of Article III, Rule X17, apply to employees in all classes.

X17.14.2 The employee shall have the right of appeal and hearing before the Commission. Notice of appeal shall be filed in writing in the Commission Office within 20 calendar days as provided elsewhere in this Rule. The Commission will announce the time and place of hearing which shall be as soon thereafter as convenient to all parties.

X17.14.3 The Commission shall render its decision within 30 days after receipt of the notice of termination, and

- 1) may direct such person dismissed;
- 2) declare such person reinstated in the position and may order that the employee be paid salary from the time of the termination of appointment;
- 3) order the return of such person to a position in the class from which promoted and may re-establish the employee's eligibility to a list of eligibles for the promotive class under such conditions as the Commission may deem just. If the list from which the terminated employee was appointed has expired, the name of the employee may be placed on a reemployment register for the class for an additional period of eligibility of 12 months under such conditions for further appointment as the Commission deems appropriate;
- 4) The decision of the Commission shall be final and shall not be reconsidered.

X17.14.4 Employees returned by action of the Commission to a position in the class from which promoted shall not be required to serve a new probationary period unless otherwise ordered by the Commission.

X17.14.5 Pending final decision, the appointing officer in the present or any other department has the option to restore the employee to duty in a position in the class from which promoted.

RULE X17

PROBATIONARY PERIOD

ARTICLE IV: TERMINATION DURING THE PROBATIONARY PERIOD

(Incorporating Charter Section 8.340 into the Civil Service Commission Rules
Pursuant to Charter Section 8.320-1 Incorporating Former Charter Provisions
(Proposition C - November 5, 1991 Election)

The provisions of Rule X17 shall apply to all employees in all classes who were serving an entrance or promotive probationary period on March 15, 1998. Said employees shall continue under Rule X17 until such time as the probationary period in effect on March 15, 1998 is concluded. Employees in all classes who commence an entrance or promotive probationary period on March 16, 1998 and thereafter are subject to the Civil Service Commission Rule 17 - Probationary Period as amended and in effect on March 16, 1998. On July 6, 1999 this Rule X17 shall automatically expire unless extended by the Civil Service Commission before August 6, 1999 for a maximum additional period of up to six (6) months.

Applicability: Unless otherwise noted, the provisions of Article IV, Rule X17, apply to employees in all classes.

Sec. X17.15 TERMINATION DURING THE PROBATIONARY PERIOD

X17.15.1 Procedure for Termination

At any time during the probationary period the appointing officer may terminate the appointment upon giving written notice of such termination to the employee and to the Human Resources Department specifying the reasons for such termination.

X17.15.2 Requirement for Commission Review

Except in the case of members of the uniformed ranks of the Police and Fire Departments, the Civil Service Commission shall review the termination. The Civil Service Commission shall by Rule establish the procedures for such review.

X17.15.3 Termination of Entrance Probationary Period

If the appointment resulted from an entrance examination, the Commission may declare such person dismissed or may return the name to the eligible list under such conditions for further appointment as the Commission may deem just.

X17.15.4 Termination of Promotive Probationary Period

If the appointment resulted from a promotional examination the employee shall have the right of appeal and hearing before the Civil Service Commission. The Commission shall render a decision within 30 days after receipt of the notice of termination and may declare such person dismissed; or order such person reinstated to the position without prejudice, and the Commission may in its discretion order that the employee be paid salary from the time of the termination of the appointment; or order the return of such person to a position in the class from which that person was promoted and may reestablish the employee's eligibility to an eligible list for the same promotive class under such conditions as the Commission may deem just.

The provisions of Rule X17 shall apply to all employees in all classes who were serving an entrance or promotive probationary period on March 15, 1998. Said employees shall continue under Rule X17 until such time as the probationary period in effect on March 15, 1998 is concluded. Employees in all classes who commence an entrance or promotive probationary period on March 16, 1998 and thereafter are subject to the Civil Service Commission Rule 17 - Probationary Period as amended and in effect on March 16, 1998. On July 6, 1999 this Rule X17 shall automatically expire unless extended by the Civil Service Commission before August 6, 1999 for a maximum additional period of up to six (6) months.

Applicability: Unless otherwise noted, the provisions of Article IV, Rule X17, apply to employees in all classes.

X17.15.5 Finality of Commission's Decision

The decision of the Commission shall be final.

Sec. X17.16 COMMISSION AUTHORITY TO REVIEW ALL PROBATIONARY TERMINATIONS

Nothing in these Rules shall preclude the Civil Service Commission from reviewing terminations for the purpose of future employability including terminations in the uniformed ranks of the Police and Fire Departments.

RULE X17

PROBATIONARY PERIOD

ARTICLE V: DISMISSAL DURING PROBATIONARY PERIOD

**Incorporating Charter Section 8.340 into the Civil Service Commission Rules
Pursuant to Charter Section 8.320-1 Incorporating Former Charter Provisions
(Proposition C - November 5, 1991 Election)**

The provisions of Rule X17 shall apply to all employees in all classes who were serving an entrance or promotive probationary period on March 15, 1998. Said employees shall continue under Rule X17 until such time as the probationary period in effect on March 15, 1998 is concluded. Employees in all classes who commence an entrance or promotive probationary period on March 16, 1998 and thereafter are subject to the Civil Service Commission Rule 17 - Probationary Period as amended and in effect on March 16, 1998. On July 6, 1999 this Rule X17 shall automatically expire unless extended by the Civil Service Commission before August 6, 1999 for a maximum additional period of up to six (6) months.

Applicability: The provisions of Article I, Rule X17, apply only to employees in classes represented by the Transport Workers Union - Locals 200 and 250A, and to the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. X17.17 REQUIREMENT FOR PROBATIONARY PERIOD

Any person appointed to a permanent position shall serve a probationary period.

Sec. X17.18 DURATION OF PROBATIONARY PERIOD

X17.18.1 The Civil Service Commission shall by Rule establish a probationary period of not less than six months' service and up to a maximum of 12 months' service for each class;

X17.18.2 Provided that the probationary period for entrance positions in the uniformed rank of the police department, fire department, and San Francisco International Airport police force shall be for 12 months except that, with respect to members of the uniformed ranks of the police department, the probationary period shall be completed after 12 months' service from the day following completion of the prescribed department field training officer program, but in no case to exceed 84 weeks from the date of appointment;

X17.18.3 Provided further that probationary members of the uniformed ranks of the police department charged with breach of duty or misconduct shall be afforded the procedural rights set forth in Charter Section 8.343 for such charges.

Sec. X17.19 PROBATIONARY PERIOD FOR EXECUTIVE AND MANAGEMENT CLASSES

Probationary periods of 12 months and up to a maximum of 24 months may be established for executive and management classes.

RULE X17

PROBATIONARY PERIOD

**ARTICLE VI: CLASSES REQUIRING MORE THAN SIX MONTHS
PROBATIONARY PERIOD**

The provisions of Rule X17 shall apply to all employees in all classes who were serving an entrance or promotive probationary period on March 15, 1998. Said employees shall continue under Rule X17 until such time as the probationary period in effect on March 15, 1998 is concluded. Employees in all classes who commence an entrance or promotive probationary period on March 16, 1998 and thereafter are subject to the Civil Service Commission Rule 17 - Probationary Period as amended and in effect on March 16, 1998. On July 6, 1999 this Rule X17 shall automatically expire unless extended by the Civil Service Commission before August 6, 1999 for a maximum additional period of up to six (6) months.

Applicability: The provisions of Article VI, Rule X17, apply only to employees in the classes enumerated.

**Sec. X17.20 PROBATIONARY PERIOD FOR CERTAIN MISCELLANEOUS
EMPLOYEES**

Unless superceded by Collective Bargaining Agreement or by Ordinance, a probationary period of one year is required for the following classes:

1829 Operations Analyst
2232 Sr. Physician Specialist
2233 Supervising Physician Specialist
2292 Shelter Veterinarian
2444 Clinical Laboratory Technologist
2446 Senior Clinical Laboratory Technologist
2453 Supervising Pharmacist
2462 Microbiologist
2464 Senior Microbiologist
2465 Virologist
2496 Radiologic Technologic Supervisor
2561 Optometrist
2565 Acupuncturist
2576 Supervising Clinical Psychologist
2832 Supervising Public Health Nurse
2978 Contract Compliance Officer II
2982 Rent Board Supervisor
3372 Animal Control Officer
3438 Tree Topper Supervisor II
3484 Agricultural Division Land Agent
3650 Medical Records Librarian
4331 Security Analyst
6236 Boiler Inspector
6242 Plumbing Inspector
6244 Chief Plumbing Inspector
6248 Electrical Inspector
6249 Senior Electrical Inspector

**CITY AND COUNTY OF SAN FRANCISCO
RULE X17**

CIVIL SERVICE COMMISSION

The provisions of Rule X17 shall apply to all employees in all classes who were serving an entrance or promotive probationary period on March 15, 1998. Said employees shall continue under Rule X17 until such time as the probationary period in effect on March 15, 1998 is concluded. Employees in all classes who commence an entrance or promotive probationary period on March 16, 1998 and thereafter are subject to the Civil Service Commission Rule 17 - Probationary Period as amended and in effect on March 16, 1998. On July 6, 1999 this Rule X17 shall automatically expire unless extended by the Civil Service Commission before August 6, 1999 for a maximum additional period of up to six (6) months.

Applicability: The provisions of Article VI, Rule X17, apply only to employees in the classes enumerated.

6250 Chief Electrical Inspector
6252 Line Inspector
6331 Building Inspector
7126 Mechanical Shop & Equipment Superintendent
7134 Water Construction & Maintenance Superintendent
7136 Water Shops & Equipment Superintendent
7204 Chief Water Service Inspector
7213 Plumber Supervisor I
7214 Electrical Transit Equipment Supervisor
7216 Electrical Transit Shop Supervisor I
7225 Transit Paint Shop Supervisor I
7230 Fire Department Water System Supervisor I
7232 Hetch Hetchy Mechanical Shop Supervisor
7233 Glazier Supervisor I
7235 Transit Power Line Supervisor I
7238 Electrician Supervisor I
7239 Plumber Supervisor I
7240 Water Meter Shop Supervisor I
7242 Painter Supervisor I
7244 Power Plant Supervisor I
7246 Sewer Repair Supervisor II
7248 Steamfitter Supervisor II
7250 Utility Plumber Supervisor I
7251 Truck Maintenance Worker Supervisor I
7253 Electrical Transit Mechanic Supervisor I
7255 Power House Electrician Supervisor I
7256 Electric Motor Repair Supervisor I
7257 Communication Line Supervisor I
7259 Water and Power Maintenance Supervisor I
7258 Maintenance Machinist Supervisor I
7273 Communications Line Worker Supervisor II
7274 Transit Power Line Worker Supervisor II
7275 Cable Splicer Supervisor I
7276 Electrician Supervisor II
7277 City Shops Asst. Superintendent
7278 Painter Supervisor II
7279 Powerhouse Electrician Supervisor I
7281 Street Cleaning Supervisor II

**CITY AND COUNTY OF SAN FRANCISCO
RULE X17**

CIVIL SERVICE COMMISSION

The provisions of Rule X17 shall apply to all employees in all classes who were serving an entrance or promotive probationary period on March 15, 1998. Said employees shall continue under Rule X17 until such time as the probationary period in effect on March 15, 1998 is concluded. Employees in all classes who commence an entrance or promotive probationary period on March 16, 1998 and thereafter are subject to the Civil Service Commission Rule 17 - Probationary Period as amended and in effect on March 16, 1998. On July 6, 1999 this Rule X17 shall automatically expire unless extended by the Civil Service Commission before August 6, 1999 for a maximum additional period of up to six (6) months.

Applicability: The provisions of Article VI, Rule X17, apply only to employees in the classes enumerated.

7284 Utility Plumber Supervisor II
7285 Transmission Line Worker Supervisor II
7287 Supervising Electronic Maintenance Technician
7288 Signal System Maintenance Superintendent
7329 Electronic Maintenance Technician Asst. Supervisor
7349 Steamfitter Assistant Supervisor
7386 Utility plumber Assistant Supervisor
8126 Sr. Investigator, Office of Citizen Complaints
8190 Attorney, Tax Collector
8230 Chief Museum Guard
8247 Emergency Planning Coordinator
8324 Supervising Counselor, Juvenile Court
8326 Assistant Director, Boys Ranch School
8440 Probation Officer
8442 Senior Probation Officer
8446 Court Alternative Specialist
9139 Transit Supervisor
9140 Transit Manager
9141 Transit Manager II
9155 Claims Investigator
9156 Senior Claims Investigator
9157 Claims Adjuster
9158 Assistant Claims Adjuster
9173 Systems Safety Inspector
9217 Deputy Chief, Bureau of Airport Police
9241 Airport Electrician Supervisor
9344 Roofer Supervisor I
9350 Harbor Police Officer
9358 Crane Mechanic Supervisor
9360 Construction & Maintenance Supervisor II, Port

The provisions of Rule X17 shall apply to all employees in all classes who were serving an entrance or promotive probationary period on March 15, 1998. Said employees shall continue under Rule X17 until such time as the probationary period in effect on March 15, 1998 is concluded. Employees in all classes who commence an entrance or promotive probationary period on March 16, 1998 and thereafter are subject to the Civil Service Commission Rule 17 - Probationary Period as amended and in effect on March 16, 1998. On July 6, 1999 this Rule X17 shall automatically expire unless extended by the Civil Service Commission before August 6, 1999 for a maximum additional period of up to six (6) months.

Applicability: The provisions of Article VI, Rule X17, apply only to employees in the classes enumerated.

Sec. X17.21 PROBATIONARY PERIOD FOR CERTAIN REGISTERED NURSE CLASSES

The Civil Service Commission has established a one-year probationary period for the classes listed below which are covered under Charter Section 8.403 - Compensation for Registered Nurse Classes:

- 2322 Head Nurse
- 2324 Nursing Supervisor
- 2326 Nursing Supervisor Psychiatric
- 2342 Head Nurse, Surgery
- 2350 Instructor of Nursing
- 2352 Asst. Dir. of Nursing, Staff Development & Research
- 2366 Asst. Director of Nurses, LHH
- 2368 Asst. Director of Nurses, SFGH

Sec. X17.22 PROBATIONARY PERIOD FOR APPOINTEES TO THE ENTRANCE UNIFORMED RANK OF THE SAN FRANCISCO POLICE DEPARTMENT

The probationary period for appointees to the entrance uniformed rank of the San Francisco Police Department (Class Q2) shall be completed after 12 months' service from the day following completion of the prescribed department field training officer program, but in no case to exceed 84 weeks from the date of appointment.

The provisions of Rule X17 shall apply to all employees in all classes who were serving an entrance or promotive probationary period on March 15, 1998. Said employees shall continue under Rule X17 until such time as the probationary period in effect on March 15, 1998 is concluded. Employees in all classes who commence an entrance or promotive probationary period on March 16, 1998 and thereafter are subject to the Civil Service Commission Rule 17 - Probationary Period as amended and in effect on March 16, 1998. On July 6, 1999 this Rule X17 shall automatically expire unless extended by the Civil Service Commission before August 6, 1999 for a maximum additional period of up to six (6) months.

Applicability: The provisions of Article VI, Rule X17, apply only to employees in the classes enumerated.

**Sec. X17.23 EMPLOYEES OF THE SAN FRANCISCO UNIFIED SCHOOL DISTRICT
AND THE SAN FRANCISCO COMMUNITY COLLEGE DISTRICT**

Employees in the following classes at the San Francisco Unified School District or the San Francisco Community College District shall serve a one-year probationary period:

- 1550 Exec. Asst. to the Board of Education .
- 1661 Asst. Fiscal Officer Board of Education
- 1809 Administrative Asst. to the Supt. of Schools
- 1832 Business Manager, City College
- 1890 Manager, Data Processing, SFUSD
- 1939 Schools Warehouse Supervisor
- 2977 Education Integration Specialist
- 2979 Student Assignment Manager, Board of Ed.
- 2981 Manager, Intake Center, SFUSD
- 5269 School Architectural Coordinator
- 6340 School Construction Coordinator
- 7209 School Heating and Ventilation Supervisor
- 7262 Maintenance Planner, SFUSD
- 7263 Maintenance Manager, SFUSD
- 7374 Chief Engineer, KALW Station
- 9178 School Transportation Supervisor



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

MEMORANDUM
CSC No. 98-19

DOCUMENTS DEPT.

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San Francisco, CA 94102
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ADRIENNE PON
PRESIDENT

Date: August 31, 1998

KAREN CLOPTON
VICE PRESIDENT

To: Department Heads
Departmental Personnel Officers
Personnel Representatives
Employee Organization Representatives

GEORGE KOSTUROS
COMMISSIONER

From: Kate Favetti, Executive Officer

A. LEE MUNSON
COMMISSIONER

Subject: **Proposed Amendment to Civil Service Commission Rule 14 -
Appointments; Article VI - Appointment by Transfer; Section
14.36 - Limited-Term-Transfer.**

ROSABELLA SAFONT
COMMISSIONER

Attached is a copy of the proposed amendment to Civil Service Commission Rule 14 - Appointments; Article VI - Appointment by Transfer; Section 14.36 - Limited Term Transfer

KATE FAVETTI
EXECUTIVE OFFICER

Civil Service Commission Rule 14 - Appointments; Article VI - Appointment by Transfer; Section 14.36 -- Limited-Term Transfer, implemented in 1979, allows the assignment of employees to vacant positions in the same classifications in another department during periods of fiscal emergency or peak work periods. This Rule also allows employees to train in other departments or to transfer to another department during the probationary period, subject to the approval of both appointing officers.

A review of the current Rule indicates that the definition (Rule 14.36.1) includes a time limitation of six months whether the Limited-Term Transfer is mandatory or voluntary. The proposed amendment removes the six month limitation in the definition. This change will allow Voluntary Limited-Term Transfers to extend beyond six months, subject to the agreement of both appointing officers, the employee and the Human Resources Director. The purpose of the proposed amendment is to provide flexibility under voluntary limited-term-transfers and to reflect existing practices.

The six month limitation for Mandatory Limited-Term Transfers will remain in effect.

Memorandum
Page 2
August 31, 1998

Requests to meet and confer by recognized employee organizations or requests to consult by other parties on these proposed Rules changes must be submitted in writing to:

Gene D. Rucker, Commission Labor Negotiator
Civil Service Commission
25 Van Ness, Suite 720
San Francisco, CA 94102

Requests may be sent by fax to (415) 252-3260. Mailed or faxed requests to meet and confer must include the name and telephone number of a contact person and must be received no later than September 10, 1998. Should any recognized employee organization or other party fail to request meet and confer or consultation on the proposed amendment by September 10, 1998, such failure shall be deemed an unequivocal waiver of the right to meet and confer or consultation; and the proposed amendment to Civil Service Commission Rule 14 - Appointments; Article VI - Appointment by Transfer; Section 14.36 - Limited Term Transfer, will proceed to be finalized and adopted without further notice.

In the event that impasse is reached on the proposed Rules changes, the Commission will follow the impasse procedure of the Meyers-Milias-Brown Act, California Government Code Section 3505.2 - Mediation, which provides that: "If after a reasonable period of time, representatives of the public agency and the recognized employee organization fail to reach agreement, the public agency and the recognized employee organization or recognized employee organizations together may agree upon the appointment of a mediator mutually agreeable to the parties. Costs of mediation shall be divided one-half to the public agency and one-half to the recognized employee organization or recognized employee organizations."

If there are questions, please call Gene Rucker, Commission Labor Negotiator, at 252-3239.

CIVIL SERVICE COMMISSION



KATE FAVETTI
Executive Officer

Attachment

Deletions are in ~~strikeout~~ - Additions are **bold, italic and double underlined**

Applicability: Unless otherwise noted, the provisions of Article VI, Rule 14, apply to employees in all classes.

Sec. 14.34 Transfers Occasioned by Reduction of Force Due to Technological Advances, Automation, or the Installation of New Equipment (cont.)

- 14.34.8** An appointee transferred under the provisions of this section shall serve a probationary period in the new class.

Sec. 14.35 Transfers Occasioned by the Transfer of Functions from One Department to Another

- 14.35.1** When, in accordance with Charter provisions, part of the functions and duties of any department are transferred to another department, the employees performing such functions and duties shall be transferred therewith.
- 14.35.2** Such employees shall retain in their new department the same salary and civil service seniority status as they had in the department from which transferred.
- 14.35.3** Employees transferred in accordance with this Rule shall not be required to serve a new probationary period.

Sec. 14.36 Limited-Term Transfer

14.36.1 Definition

The transfer of a permanent appointee to a vacant position in the same class under another appointing officer for a specified duration **of time of up to six calendar months** may be approved by the appointing officers of both departments and the Human Resources Director and shall be known as a "limited-term transfer."

14.36.2 Purpose

The purpose of a limited-term transfer is to more efficiently utilize and exchange human resources among the departments of the City and County; to allow employees exposure and training in other departments; and to provide a mechanism for reducing staffing levels during slow periods or periods of fiscal emergency and to temporarily increase staffing during peak work periods.

Deletions are in ~~strikeout~~ - Additions are ***bold, italic and double underlined***

Applicability: Unless otherwise noted, the provisions of Article VI, Rule 14, apply to employees in all classes.

Sec. 14.36 **Limited-Term Transfer. (cont.)**

14.36.3 **Types of Limited-Term Transfers**

1) Voluntary: A limited-term transfer may be initiated on the written request of an employee on the form prescribed by the Human Resources Director.

2) Mandatory: A permanent or probationary employee may be transferred by the employee's appointing officer for a specified period up to a maximum of six months in any calendar year to a position in the same class under another appointing officer. Such transfers shall be made by class in reverse order of seniority in the class in the department after all permanent and probationary employees in the class have been canvassed and all more senior employees have been notified and have waived the right to request a voluntary limited-term transfer. The employee shall receive at least five working days written notice in advance of the effective date of the transfer and shall be given an opportunity, if requested, to meet and confer with the appointing officer or designated representative. No permanent employee shall be placed on mandatory limited term transfer if there are temporary or provisional employees in the same class in the department from which the transfer originates.

14.36.4 **Expiration and Extension**

1) Limited-term transfers will remain in force for the period specified unless abridgment is approved by both appointing officers.

2) ~~*Voluntary*~~ ~~L~~ limited-term transfers ~~approved for a period of less than six months~~ may be extended for additional periods of time ~~up to a maximum of six calendar months~~ ***with the approval of the appointing officers and the Human Resources Director.***

3) Upon expiration of the period of the transfer, the transferee shall be automatically reinstated to a permanent position in the class and department from which transferred.



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

MEMORANDUM
CSC No. 99-03

DOCUMENTS DEPT.

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ADRIENNE PON
PRESIDENT

Date: February 11, 1999

KAREN CLOPTON
VICE PRESIDENT

To: Department Heads
Departmental Personnel Officers
Personnel Representatives
Employee Organization Representatives

GEORGE KOSTUROS
COMMISSIONER

From: Kate Favetti, Executive Officer

A. LEE MUNSON
COMMISSIONER

Subject: Proposed Amendments to Civil Service Commission Rule 11 - Examinations:

- 1) Section 11.4 - Requirement for Competitive Examinations;
- 2) Section 11.36.1 - Requirement for Competitive Examinations;
- 3) Section 11.15.2 - Inspection of Ratings by Participants; and
- 4) Section 11.33.3 - Inspection of Ratings in Qualifications Appraisal Interviews by Participant

ROSABELLA SAFONT
COMMISSIONER

KATE FAVETTI
EXECUTIVE OFFICER

Attached are proposed amendments to Civil Service Commission Rule 11 - Examinations; Section 11.4 - Requirement for Competitive Examinations; Section 11.36.1 - Requirement for Competitive Examinations; Section 11.15.2 - Inspection of Ratings by Participants; and Section 11.33.3 - Inspection of Ratings in Qualifications Appraisal Interviews by Participant.

The purpose of these amendments is to modernize the Civil Service Commission Rules, streamline the appeals process and clarify the authority of the Human Resources Director.

1) The proposed amendment to Civil Service Commission Rule 11 - Examinations; Article I - Examination Provisions; Section 11.4 - Requirement for Competitive Examinations grants the Human Resources Director authority to deem examinations with less than three (3) applicants competitive after finding the recruitment efforts have been exhausted. This Rule amendment will be applicable to employee classifications except those represented by the Transport Workers Union, Locals 200 and 250A, and the members of the Uniformed Ranks of the San Francisco Police and Fire Departments. The decision of the Human Resources Director may be appealed to the Civil Service Commission.

2) The proposed amendment to Civil Service Commission Rule 11 Examinations; Article II - Examination Process; Section 11.36.1 - Requirement for Competitive Examinations is the companion to Rule 11; Section 11.4 above. This Rule amendment will be applicable to employee classifications represented by the Transport Workers Union, Locals 200 and 250A.

3) The proposed amendment to Civil Service Commission Rule 11 - Examinations; Article I - Examination Provisions; Section 11.36.1 - Inspection of Ratings by Participants addresses duplication in the appeal process by eliminating appeals due to inconsistencies in the administration of the examinations at the time that ratings are open to inspection. The ability to appeal the Oral Interview and Other Selection Tests remains intact in Rule 11.14 - Oral Interview and Other Selection Tests - Definition and Appeals.

4) The proposed amendment to Civil Service Commission Rule 11 - Examinations; Article II - Examination Process; Section 11.33.3 - Inspection of Ratings in Qualifications Appraisal Interviews by Participant is the companion to Rule 11; Section 11.15.2 above. This Rule amendment will be applicable to employee classifications represented by the Transport Workers Union, Locals 200 and 250A.

Requests to meet and confer by recognized employee organizations or requests to consult by other parties on these proposed Rules changes must be submitted in writing to:

Gene D. Rucker, Commission Labor Negotiator
Civil Service Commission
25 Van Ness Avenue, Suite 720
San Francisco, CA 94102

Requests may be sent by fax to (415) 252-3260. Mailed or faxed requests to meet and confer must include the name and telephone number of a contact person and must be received no later than Monday, March 1, 1999. Should any recognized employee organization or other party fail to request meet and confer or consultation on the proposed amendment by March 1, 1999, such failure shall be deemed an unequivocal waiver of the right to meet and confer or consultation; and the proposed amendments to Civil Service Commission Rule 11 - Examinations; Article I - Examination Provisions; Section 11.4 - Requirements for Competitive Examinations; Civil Service Commission Rule 11 Examinations; Article II - Examination Process; Section 11.36.1 - Requirement for Competitive Examinations; Civil Service Commission Rule 11 - Examinations; Article I - Examination Provisions; Section 11.36.1 - Inspection of Ratings by Participants; and Civil Service Commission Rule 11 - Examinations; Article II - Examination Process; Section 11.33.3 - Inspection of Ratings in Qualifications Appraisal Interviews by Participant will proceed to be finalized and adopted without further notice.

Memorandum
February 11, 1999
Page 3

In the event that impasse is reached on the proposed Rules changes, the Commission will follow the impasse procedure of the Meyers-Milias-Brown Act, California Government Code Section 3505.2 - Mediation, which provides that: "If after a reasonable period of time, representatives of the public agency and the recognized employee organization fail to reach agreement, the public agency and the recognized employee organization or recognized employee organizations together may agree upon the appointment of a mediator mutually agreeable to the parties. Costs of mediation shall be divided one-half to the public agency and one-half to the recognized employee organization or recognized employee organizations."

If there are questions, please call Gene Rucker, Commission Labor Negotiator, at 252-3239.

CIVIL SERVICE COMMISSION

A handwritten signature in black ink, appearing to read "Kate Favetti", with a stylized flourish at the end.

KATE FAVETTI
Executive Officer

Attachment

Deletions are in ~~strikeout~~ - Additions are in *bold italic*

Applicability: The provisions of Article I, Rule 11, apply to employees in all classes except those represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 11.4 Requirement for Competitive Examinations

All applicants for positions in the classified service shall submit to examinations which shall be competitive provided, however, that no examination shall be deemed to be competitive unless three or more persons participate. However, any such examination may be held for less than three qualified applicants with the approval of the ~~Civil Service Commission~~ **Human Resources Director** after a finding that reasonable publicity of the proposed examination has been given.

Sec. 11.5 Examinations Without Charge

Examinations shall be without charge to the applicants.

Sec. 11.6 Apprenticeship Positions

Appropriate rosters of eligibles established by a trade, craft, or occupation joint apprenticeship committee recognized by the State of California Department of Industrial Relations, Division of Apprenticeship Standards, may be utilized to fill apprenticeship positions or as the basis for establishing apprenticeship eligibility lists.

Sec. 11.7 Adequacy of Examinations

Subject to the approval of the Commission, the Human Resources Director, subject to appeal to the Civil Service Commission, shall judge the adequacy of the examination to rate the capacity of the applicants to perform service for the City and County.

Sec. 11.8 Establishing Cutoff Scores and Number on Eligible Lists

For each selection procedure, the Human Resources Director shall establish a cutoff or passing score and shall determine the number of persons who shall constitute the eligible list based on the needs of the Service, equal employment opportunity principles, and affirmative action goals. Once established, the cutoff score shall not be changed.

Deletions are in ~~strikeout~~ - Additions are in *bold italic*

Applicability: The provisions of Article I, Rule 11, apply to employees in all classes except those represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 11.14 Oral Interview and Other Selection Tests - Definition and Appeals (cont.)

11.14.2 Appeals (cont.)

they are based and provide facts which support the allegations. Failure to state the appeals properly filed under this section shall be resolved in accordance with the appeal provisions of these Rules.

3) In acting on appeals, only the applications, records, and questions and answers which constitute the record of the examination shall be considered. Appeals will only be sustained when the candidate presents evidence that clearly substantiates a charge or charges as to the above listed items. In the absence of an appeal under this section, later appeals shall be precluded.

Sec. 11.15 Inspection of Ratings by Participants

11.15.1 Composite ratings for examinations administered under this section shall be available for a minimum period of two working days during which period each participant may inspect their own ratings. The identity of the examiner giving any mark or grade shall not be disclosed.

11.15.2 Any appeal shall be filed in writing within the inspection period and shall be limited to ~~inconsistencies in examination administration or~~ failure of the raters to apply uniform standards. Appeals must state the specific grounds upon which they are based and provide facts which support the allegations. Failure to state the specific grounds for the appeal and provide facts shall nullify the appeal.

11.15.3 All appeals properly filed under this section shall be resolved in accordance with the appeal provisions of these Rules. Appeals shall not be considered merely because candidates believe they are entitled to a higher score. Neither the Commission nor the Human Resources Director shall substitute their judgment for the judgment of the raters. Ratings of less than the minimum passing score shall not be raised to more than the minimum passing score.

11.15.4 No evidence or documents shall be presented, which were not presented to the raters, unless the candidate was denied the opportunity to do so.

11.15.5 In the absence of an appeal under this section, later appeals shall be precluded.

Deletions are in ~~strikeout~~ - Additions are in *bold italic*

Applicability: The provisions of Article II, Rule 11, apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 11.33 ~~Qualifications Appraisal Interview - Procedures and Appeals~~ (cont.)

11.33.3 ~~Inspection of Ratings in Qualifications Appraisal Interviews by~~ ~~Participants (cont.)~~

period each participant may inspect their own ratings. The identity of the examiner giving any mark or grade in a qualification appraisal interview shall not be disclosed.

2) Any challenges shall be filed in writing within the inspection period and shall be limited to:

- ~~claimed inconsistencies or~~ failure of the qualifications appraisal board to apply uniform standards; and

- any questions propounded by the panel of examiners which occur during a qualifications appraisal interview which require an answer in conflict with any Federal, State, or City and County laws, rules, or regulations which apply to the government of the City and County of San Francisco, the Department of Human Resources, and/or the Civil Service Commission.

3) All challenges properly filed under this section shall be resolved in accordance with the provisions of these Rules. The Human Resources Director shall not consider challenges merely because candidates believe they are entitled to a higher score. The Human Resources Director will not substitute her/his judgment for the judgment of the qualifications appraisal interviewers. Ratings by a qualifications appraisal board of less than the minimum passing score shall not be raised to more than the minimum passing score.

4) No evidence or documents supportive of qualifications shall be presented to the Human Resources Director which were not presented to the qualifications appraisal board unless the candidate was denied the opportunity to do so.

5) The decision of the Human Resources Director on this subject shall be final.

Deletions are in ~~strikeout~~ - Additions are in **bold italic**

Applicability: The provisions of Article II, Rule 11, apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 11.36 **Examination of Applicants**

Incorporating former Charter Section 8.321 into the Civil Service Commission Rules pursuant to former Charter Section 8.320-1 Incorporating Former Charter Provision (Proposition C - November 5, 1991 Election)

11.36.1 Requirement for Competitive Examinations

All applicants for ~~places~~ **positions** in the classified service shall submit to examinations which shall be competitive provided, however, that no examination shall be deemed to be competitive unless ~~two~~ **three** or more persons shall participate, ~~except that~~. **However**, any such examination may be held for **less than three** ~~one~~ qualified applicants **with the approval of the Human Resources Director on recommendation of the Civil Service Commission and approval by resolution of the Board of Supervisors**, after a finding ~~by the board~~ that reasonable publicity of the proposed examination has been given.

11.36.2 Examination without Charge

Such examinations shall be without charge to the applicants.

11.36.3 Examination Control and Employment of Examiners

The Human Resources Director shall control all examinations and may employ suitable persons in or out of the public service to act as examiners.

11.36.4 Type of Examinations

The examinations used shall measure the relative capacities of the persons examined to perform the functions, duties, and responsibilities of the class to which they seek appointment. Examinations shall consist of selection techniques which will test fairly the relative qualifications, merit and fitness of the applicants for the position to be filled. Examinations may include written tests to determine job-related aptitude, knowledge, or achievements; and oral tests by qualifications appraisal boards.

